

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

PRINTED: 09/28/2007
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 14G309	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____	(X3) DATE SURVEY COMPLETED C 09/04/2007
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NAME OF PROVIDER OR SUPPLIER DEARBORN COURT	STREET ADDRESS, CITY, STATE, ZIP CODE 520 SOUTH DEARBORN STREET KANKAKEE, IL 60901
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W 331	Continued From page 19 assessment.	W 331		
W9999	<p>FINAL OBSERVATIONS</p> <p>LICENSURE VIOLATIONS</p> <p>350.620a) 350.3240a) 350.3240e)</p> <p>Section 350.620 Resident Care Policies a) The facility shall have written policies and procedures governing all services provided by the facility which shall be formulated with the involvement of the administrator. The policies shall be available to the staff, residents and the public. These written policies shall be followed in operating the facility and shall be reviewed at least annually.</p> <p>Section 350.3240 Abuse and Neglect a) An owner, licensee, administrator, employee or agent of a facility shall not abuse or neglect a resident. e) Employee as perpetrator of abuse. When an investigation of a report of suspected abuse of a resident indicates, based upon credible evidence, that an employee of a long-term care facility is the perpetrator of the abuse, that employee shall immediately be barred from any further contact with residents of the facility, pending the outcome of any further investigation, prosecution or disciplinary action against the employee.</p> <p>These Requirements were not met as evidenced by:</p> <p>Based on interview and record review, the facility failed to implement their policy to prevent abuse when they failed to ensure 1 of 1 clients (R1) was</p>	W9999		

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W9999	<p>Continued From page 20</p> <p>free from verbal and physical abuse on 8/15/07 and verbal abuse on 8/14/07.</p> <p>Findings include:</p> <p>R1, per review of her face sheet, is a 64 year old female whose diagnoses include Mild Mental Retardation, Anxiety Disorder and Bipolar Affective Disorder.</p> <p>R1, observed and interviewed 8/17/07 at 12 noon, is ambulatory and verbal. R1's 5/5/06 IPP (Individual Program Plan) and entire clinical record were reviewed. According to R1's psychological evaluation, dated 2/2/06, R1 obtained an IQ score of 55. R1 obtained an adaptive score of 6 years 8 months on an adaptive behavior assessment 4/8/06. R1's sister functions as her guardian.</p> <p>E2 (Administrator) was interviewed 8/28/07 at 2:10pm. E2 was asked if R1 is reliable, specifically related to her 8/16/07 allegation that E5 and E6 (both direct care) abused her. E2 stated R1 has a history of concocting stories. However, this has not occurred since her admission to the facility (3/26/07). E2 stated R1 knows what the truth is. E2 stated she believes what R1 has said (regarding her allegation that E5 and E6 physically abused her on 8/15/07).</p> <p>On 8/17/07 at 12 noon, R1 was interviewed at her day training program. R1 immediately stated to surveyor, "Had an incident happen to me Wednesday night, August 15th (2007)." In summary R1 recounted the following: After my bath - I got in my pajamas and went to the living room to watch TV. I got tired - I went to my room. That's when the teasing started.</p>	W9999		
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W9999 : Continued From page 21

R1 stated 2 staff (E5 and E6), told her they were her guardians. R1 stated she told E5 and E6 her sister is her guardian. E5 and E6 then told her her sister moved. R1 stated she left her bedroom and went to the living room to watch TV. E5 said to her, "Why are you out here?" E5 stated to E6, "Let's go after her." "They (E5 and E6) hit me with plastic hangers - real hard - on my butt." R1 stated R4 (female peer) also hit her with a hanger.

R1 stated E5 and E6 then put her in a wooden dining room chair and tied her up with her roommates gait belt. E5 and E6 then dragged her in the chair to the laundry room. R1 stated she was able to move her feet and get loose. E6 saw that R1 was loose and stated, "She's out of the belt - she broke loose." E5 then, "Got on top of me - punched me in the stomach, grabbed my hair and choked me with both hands and punched me in the head."

R1 stated, "I have bruises on my butt, breast, arm, neck, left inner thigh and under my left arm." R1 stated, "They hurt me real bad."

R1 stated E5 went into her closet and stated (E5 and E6) were going to steal all her stuff. "E5 took my pay check." "They were going to throw my red dress in the garbage. They teased me about not having money in the bank."

R1 stated E6 said, "If you don't shut your mouth I'll take this mop stick and hit you over the head with it." R1 stated, "I said in a nice way, please leave me alone." R1 stated she did not see E5 and E6 hurt any one else at her residence.

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W9999 Continued From page 22

R1 also made the following statements:
 "They (E5 and E6) really beat me good - I don't think that's right to do that."
 "When I went home yesterday (8/16/07), I could hardly talk to (staff), I was stuttering."
 "I'm glad I won't see the 2 staff (E5 and E6) that beat on me - so they can't tease me and fight with me."
 "I'm glad my name is on the list to go. I need to get out of there after what happened there."

The facility provided documentation that R1 was interviewed by E8 (nurse) 8/16/07 at 2:55pm. R1, in essence, gave the same information to E8 that she gave to surveyor. R1 did however state, "I heard (E5 and E6) saying bad things about me in the living room - saying I was a devil, a bitch, a bastard, a demon, saying that no one likes me, that I like girls."

R2, per review of her face sheet, is a 40 year old female whose diagnoses include Moderate Mental Retardation and Cerebral Palsy with Hydrocephalus. R2, observed and interviewed 8/21/07 at 3:30pm, is non-ambulatory and mobile via wheelchair. R2 is verbal. R2's adaptive behavior assessment was reviewed. R2 obtained a score of 6 years 6 months on the assessment. Per R2's 4/26/07 IPP (Individual Program Plan), "Communicates well" was identified as a strength.

E2 (Administrator) was interviewed 8/28/07 at 2:10pm. E2 was asked if R2 was reliable as a witness (to abuse). E2 stated R2 is "very reliable."

On 8/21/07 at 3:30pm R2 was interviewed in her bedroom of her residence. R2 verified that R1 is her roommate. R2 was asked if she witnessed

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W9999 Continued From page 23

any unusual incidents in the last week. In summary, R2 stated the following: On Wednesday night (8/15/07) R1 was getting ready for bed when E5 and E6 grabbed her. R2 stated E5 and E6 choked R1, hit her with her (R2's) gait belt and clothes hangers, pulled her hair, tied her to a dining room chair (with gait belt) and "cussed her out." E5 and E6 also took R1's clothes from her closet and put them in the garbage. R2 stated R4 also hit R1 with a hanger. R2 stated E5 and E6 told her (R2) to mind her own business and not to tell (of witnessed abuse).

R2 was asked if E5 or E6 have ever abused any other client at the facility. R2 stated, "No," however E5 and E6 did tease R1 the night before (Tuesday 8/14/07). R2 added she was afraid to talk to the police officer because she "didn't want to cause any trouble - it scared me."

The facility provided documentation that R2 was interviewed by E8 (nurse) 8/16/07 at 3:15pm. R2, in essence, gave the same information to E8 that she gave to surveyor. R2 did, however, state that E5 grabbed R1 trying to put her in her (bed) room. E5 also called R1 the "F" word. E5 and E6 picked up a chair and tried to throw it at R1. E8 documented R2 stated, "(R1) was just getting ready for bed." E8 also documented "Res (resident - R2) then started crying."

E2 (Administrator) was interviewed 8/28/07 at 2:10pm. Surveyor asked E2 about the facility's investigation, and conclusion of the investigation that R1 was abused by E5 and E6. E2 stated that she firmly believes abuse (physical) occurred. E2 also stated the facility is waiting for the police report for the next step.

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W9999	<p>Continued From page 24</p> <p>On 8/23/07 at 8:10am, surveyor interviewed Z1 via phone call. Z1 stated that E5 and E6 were interviewed and subsequently arrested on 8/22/07. E5 and E6 were charged with aggravated battery of a senior citizen and unlawful restraint. Z1 stated E6 admitted that E5 battered R1.</p> <p>On 8/17/07 surveyor requested a copy of the facility's policy as it relates to Abuse and Neglect. E1 (QMRP) provided surveyor a copy of a facility policy last revised 10/04. The policy # is 5.24 and the subject area is "Investigative Committee."</p> <p>E2 was interviewed 8/29/07 at 2:00pm via phone. E2 was asked if the Investigate Committee policy was the facility's policy pertaining to incidents of Abuse and Neglect. E2 stated the facility has other policies related to Abuse and Neglect, however the Investigative Committee policy references and defines Abuse and Neglect.</p> <p>The policy defines Abuse as: "The willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting harm, pain or mental anguish."</p> <p>Z2 was interviewed via phone 8/29/07 at approximately 11:00am. Z2 stated "(R1) is very traumatized by this (abuse)." Z2 stated when R1 found out about a potential placement opportunity, R1 began to cry and repeated, "Thank - you, Thank - you."</p> <p style="text-align: center;">(A)</p>	W9999		
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