

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

PRINTED: 09/27/2007
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 14G371	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____	(X3) DATE SURVEY COMPLETED 08/07/2007
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NAME OF PROVIDER OR SUPPLIER WHISPERING OAKS	STREET ADDRESS, CITY, STATE, ZIP CODE 201 SPRING STREET ROSICLARE, IL 62982
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~~W 149 Continued From page 7
documentation regarding (R2's) response to medication increases at least weekly.

G. Psychologist was consulted for possible recommendations on 7/26/07 by QMRP and were included in revised behavior plan.

H. Education will be provided by QMRP to all staff on completion of documentation of any behaviors identified in (R2's) behavior plan to include resident, what precipitated the behavior and what steps were taken to prevent recurrence by 7/27/07.

2. The following quality assurance programs have been implemented to ensure that the alleged practice does not reoccur

A. QMRP will assess behavior plans as behaviors warrant.

B. Nurse Consultant or Regional VP will conduct monthly reviews of (R2's) behavior plan to ensure compliance with above stated objectives.

3. Completion Date 7/27/07."

Although the Immediate Jeopardy is removed, noncompliance continues at the time of exit since the facility has not fully implemented their plan and has not had an opportunity to evaluate it's effectiveness.~~

W 149

W9999 FINAL OBSERVATIONS

W9999

LICENSURE VIOLATIONS

- 350.1060a)
- 350.1060b)1)2)
- 350.1060c)1)2)

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WV9999	<p>Continued From page 8</p> <p>350.1060d)e) 350.1060h)j) 350.3240a)f)</p> <p>Section 350.1060 Training and Habilitation Services</p> <p>a) The facility shall provide training and habilitation services to facilitate the intellectual, sensorimotor, and effective development of each resident in the facility.</p> <p>b) Each resident shall have individual evaluations which shall:</p> <p>1) Be based upon the use of empirically reliable and valid instruments whenever such tools are available.</p> <p>2) Provide the basis for prescribing an appropriate program of training experiences for the resident.</p> <p>c) There shall be written training and habilitation objectives for each resident that are:</p> <p>1) Based upon complete and relevant diagnostic and prognostic data.</p> <p>2) Stated in specific behavioral terms that permit the progress of the individual to be assessed.</p> <p>d) There shall be evidence of training and habilitation services activities designed to meet the training and habilitation objectives set for every resident.</p> <p>e) An appropriate, effective and individualized program that manages residents' behaviors shall be developed and implemented for residents with aggressive or self-abusive behavior. Adequate, properly trained and supervised staff shall be available to administer these programs.</p> <p>f) There shall be a functional training and habilitation record for each resident, maintained by and available to the training and habilitation staff.</p> <p>h) There shall be available sufficient,</p>	W9999		
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W9999	<p>Continued From page 9</p> <p>appropriately qualified training and habilitation personnel, and necessary supporting staff, to carry out the training and habilitation program. Supervision of delivery of training and habilitation services shall be the responsibility of a person who is a Qualified Mental Retardation Professional.</p> <p>j) Appropriate records shall be maintained for each resident functioning in these programs. These shall show appropriateness of the program for the individual, resident's response to the program and any other pertinent observations and shall become a part of the resident's record.</p> <p>Section 350.3240 Abuse and Neglect</p> <p>a) An owner, licensee, administrator, employee or agent of a facility shall not abuse or neglect a resident.</p> <p>f) 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.</p> <p>These Requirements are not met as evidenced by:</p> <p>Based on observations, interviews and record review, the facility failed to implement their policy to prevent neglect when they neglected to ensure that residents are not subjected to psychological abuse. The facility failed to put safeguards in place when R2's aggressive behaviors increased towards other individuals in the home. R2's</p>	W9999		
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W9999 Continued From page 10

increase in slapping and hitting others caused others to feel fearful of R2, including R6, R7, R8, R9, R10 and R11.) The facility failed to ensure thorough documentation of R2's physical aggressiveness including what R2's actual behavior was, which resident was targeted, and/or if any injury occurred as a result of R2's physical aggressiveness.

Findings Include:

Per review of R2's Physician's Order Sheet dated 07-2007, R2 is a 58 year old male who functions at a Moderate level of mental retardation. Other diagnoses include Intermittent Explosive Disorder and Major Depression.

R2's behavior program dated 07-20-06 was reviewed.

Physical Aggression is defined as: "Hitting, slapping, twisting others' arms and nose."

R2's Socially Inappropriate behavior is defined as: "Slapping or patting others' on the buttocks."

Possible consequences of behavior as described in R2's behavior program states, "(R2's) behaviors could be disrupting to others. (R2's) behaviors could result injury to others and himself...". Documentation is signed by E1 (Administrator/Qualified Mental Retardation Professional).

Upon review of the facility's Incident and Accident reports during task 2 of the survey, surveyor noted that R2 had 6 incidents of physical aggression towards other residents living in the facility from 05-17-07 until 07-01-07.

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W9999 Continued From page 11

Documentation of R2's physical aggression includes:

1. 05-17-07 - R5 (56 year old female who functions at a Profound level of mental retardation. Per R5's Inventory of Client Agency Planning (ICAP) score, R5 functions at an age of 1 year 4 months), "Kicked in stomach" by R2.
2. 05-20-07 - R4 (64 year old male who functions at a Profound level of mental retardation. ICAP score of 1 year 7 months), "Slapped in face" by R2.
3. 06-10-07 - R6 (65 year old male who functions at a Moderate level of mental retardation. ICAP score of 6 years 1 month), "Slapped in mouth" by R2.
4. 06-23-07 - R7 (53 year old male who functions at a Moderate level of mental retardation. ICAP score of 7 years 3 months), "Punched in the face" by R2.
5. 06-24-07 - R6 "Punched in face" by R2.
6. 07-01-07 - R1 (60 year old female who functions at a Mild level of mental retardation. ICAP score of 9 years 6 months), "Slapped on butt" by R2.

Per further review of the facility's, "Behavior Tracking" sheet for 07-2007, documentation indicates that R2 has had 14 episodes of physical aggression from 07-08-07 through 07-21-07. Documentation does not include what type of physical aggression was actually displayed, what precipitated the behavior, which client R2 was

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<p>WV9999 Continued From page 12</p> <p>physically aggressive towards or if the client received any injury as a result of R2's physical aggression.</p> <p>Per review of R8's "Face Sheet, R8 has a diagnosis of Moderate mental retardation with an adaptive ICAP score of 4 years and 9 months. She is 82 years old and requires a wheelchair for all mobility.</p> <p>R8 was observed at the local day training site on 07-26-07 at 10:45 A.M. R8 stated that she was afraid of R2. When asked why she was afraid, R8 stated, "Because he hit me. Never know when he'll hit me again. Very dangerous too. Hits a bunch of people, me, (R4). They cry too." R8 continued to say that it hurt when R2 hits her.</p> <p>Per record review, R7 is a 53 year old male who functions at a Moderate level of mental retardation with an adaptive ICAP score of 7 years and 3 months.</p> <p>Per interview with R7 on 07-25-07 at 5:07 P.M., R7 stated that he was afraid of R2. R7 continued to say that R2 hits him on the buttocks and in the eye. R7 stated that when R2 hits him, he tells the staff and they send R2 to his room.</p> <p>Per record review, R9 is a 40 year old female who functions at a Moderate level of mental retardation with an adaptive ICAP score of 6 years and 5 months.</p> <p>Per interview with R9 on 07-25-07 at 4:00 P.M., R9 stated that she was afraid of R2. R7 continued to say that R2, "Slapped my skinny butt. Hurt. Slapped my skinny butt."</p>	<p>WV9999</p>	
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WV9999	<p>Continued From page 13</p> <p>Per interview with R6 on 07-26-07 at 4:30 P.M., R6 stated that he was afraid of R2. R6 stated that R2 hits him in the face, "once in a while." R6 stated that he tells staff and they make him go to his room.</p> <p>Per interview with R11 (R2's roommate) on 07-25-07 at 3:52 P.M., R11 stated that it, "Bothers me when (R2) hits people - I've told him a thousand times that it's not right. Hit me on the bottom once - hurt. Not really afraid of him - kind of get angry with him even if he hits other people."</p> <p>Per interview with R1 on 07-25-07 at 3:56 P.M., R1 stated that R2, "Twisted my arm and about broke it - weeks ago. Hits (R9) (R6) and (R11)." R1 stated that she did not tell anyone when R2 twisted her arm.</p> <p>Per interview with Z1 on 07-26-07 at 11:00 A.M., at the local day training site, Z1 stated that R2 is, "Not as bad here as he is at home, mostly he just teases and pokes and picks at others. R10 is terrified of him."</p> <p>Per interview with R10 on 07-26-07 at 11:20 A.M., when asked if there was anyone at home that she was afraid of, R10 nodded her head up and down to indicate yes. Surveyor asked her who she was afraid of and she shrugged her shoulders. When asked if she was afraid of R4 or R11, R10 shook her head to indicate no. When asked if she was afraid of R2, R10 shook her head yes to indicate yes. When asked why she was afraid of R2, R10 pointed to her buttocks and left side of her face. R10 nodded yes when asked if R2 had hit her on the face and buttocks.</p> <p>Upon interview with E1 on 07-25-07 at 2:20 P.M.,</p>	W9999		
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W9999	<p>Continued From page 14</p> <p>when asked what the facility has done to ensure that the residents who live in the facility are not subjected to R2's physical aggression, E1 stated that R2's behaviors have gotten worse over the last 3 months. E1 said that R2 was taken to the psychiatrist this morning and that his medications were increased. E1 continued to say that no safeguards had been put into place to prevent R2 from hitting or slapping other residents. E1 also said that she has not reviewed or revised R2's Behavior Plan since his physical aggression has increased.</p> <p style="text-align: center;">(A)</p>	W9999		
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