

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

PRINTED: 08/07/2008
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 145406	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED C 03/10/2008
NAME OF PROVIDER OR SUPPLIER RANDOLPH COUNTY CARE CENTER			STREET ADDRESS, CITY, STATE, ZIP CODE 312 WEST BELMONT SPARTA, IL 62286		
(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 225	Continued From page 35 Abuse Policy is underway. 4. On 3/6/08, the Ombudsman will conduct a mandatory all staff meeting for neglect, abuse and resident rights.	F 225			
F9999	FINAL OBSERVATIONS LICENSURE VIOLATIONS 300.610a) 300.695b)1)3)4) 300.3240a) 300.3240b) 300.3240d) Section 300.610 Resident Care Policies a) The facility shall have written policies and procedures, governing all services provided by the facility which shall be formulated by a Resident Care Policy Committee consisting of at least the administrator, the advisory physician or the medical advisory committee and representatives of nursing and other services in the facility. These policies shall be in compliance with the Act and all rules promulgated thereunder. These written policies shall be followed in operating the facility and shall be reviewed at least annually by this committee, as evidenced by written, signed and dated minutes of such a meeting. Section 300.695 Contacting Local Law Enforcement b) The facility shall immediately contact local law enforcement authorities (e.g., telephoning 911 where available) in the following situations: 1) Physical abuse involving physical injury inflicted on a resident by a staff member or visitor;	F9999			

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F9999	<p>Continued From page 36</p> <p>3) Sexual abuse of a resident by a staff member, another resident, or a visitor; 4) When a crime has been committed in a facility by a person other than a resident; or</p> <p>Section 300.3240 Abuse and Neglect a) An owner, licensee, administrator, employee or agent of a facility shall not abuse or neglect a resident. (Section 2-107 of the Act) 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) 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. (Section 3-610 of the Act)</p> <p>These Requirements were not met as evidenced by:</p> <p>Based on interview and record review, it was determined that the Facility failed to provide a safe living environment free from sexual abuse for 4 or more residents (R1, R2, R3 and R7), and prevent the mental and verbal abuse of 1 resident on the sample (R4). This failure resulted in R1, R2, R3 and R7 being sexually victimized by Z1.</p> <p>Findings include:</p> <p>1. During initial interviews with E1, Administrator and E2, Director of Nursing, on 2/27/08, it was stated that they became aware of potential sexual abuse by Z1 towards R1 on 2/26/08. E1 stated that Z5, R1's responsible family member, came into the Facility late in the afternoon stating that he had received an anonymous telephone</p>	F9999			

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F9999	<p>Continued From page 37</p> <p>call on the message machine at his home. The anonymous caller said that Z1, R12's family member, is fondling R1 and other female residents while visiting his wife in the Facility. E1 said that Z5 was extremely upset and agitated. E1 and E2 said that they began their investigation into the allegation at that time. E2 said that she was not aware of Z1's inappropriate behavior prior to Z5 coming to the Facility on 2/26/08.</p> <p>E1 and E2 said that R12 has been residing in the Facility for 3 years. R12's husband, Z1 visits the Facility daily and eats three meals a day in the dining room with R12. E2 said that the "resident's just love him," as he helps puts their bibs on in the dining room and wheels resident's around the Facility in their wheelchairs, taking them to and from activities. R12 resides on the first floor of the Facility, however Z1 freely moves about the entire Facility, including the second floor.</p> <p>2. During an interview with E3, Housekeeping Supervisor, on 2/27/08, it was stated that she has seen Z1 come up to the second floor of the Facility and give R2 kisses and hugs. E3 further stated "my husband (visitor), busted Z1 last summer for copping a feel from R2 - he was grabbing R2's breast." E3 said that her husband came home that evening and told her about the incident, however neither E3 nor her husband ever reported the incident to anyone at the Facility. E3 could not remember the date, but stated it occurred sometime toward the end of last summer. E3 said that one of the housekeepers, E10, has told her that Z1's behaviors make her uncomfortable. E3 said that she did not report E10's concerns to Facility</p>	F9999			

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F9999	Continued From page 38 administration. 3. During an interview with E10, on 2/27/08, it was stated that E10 has seen Z1 patting and rubbing residents' upper arms, near their breasts. E10 said "Z1 puts bibs on the female residents and smooths them up and down to get out the wrinkles." E10 demonstrated Z1's actions, showing a rubbing motion from the upper to lower chest. E10 said that she reported her concerns to E3, E10's supervisor, several months ago. 4. During an interview with E5, Maintenance, on 2/27/08, it was stated that E5 saw Z1 fondling R3's breasts about 3 weeks ago. E5 said "I found out that Z1 does this on a regular basis." E5 said that R3 was sitting in her wheelchair. Z1 had his left hand around the back of R3's neck, with Z1's face next to R3's face. Z1's right hand was fondling R3's breast, on the outside of her clothing. E5 said that he did not report the incident to anyone as he thought the event was "isolated." 5. During an interview with E4, Certified Nurses Aide (CNA), on 2/27/08, it was stated that she has witnessed Z1 being inappropriate with residents on two occasions. The first time occurred sometime last summer. E4 said that she saw Z1 on the second floor, bending over R2, kissing R2 open-mouthed on the lips. E4 said that she heard Z1 ask R2 "did you like that?" E4 said "I was disgusted - I can't remember if I told the nurse or E2. They talked to him and he cursed and got mad." E4 continued "the second time I saw Z1 was worse - it was in January. I was coming out of the dining room, pushing another resident and saw R1 sitting in her wheelchair where the hallways T, near R1's	F9999			

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F9999	<p>Continued From page 39</p> <p>room. I saw Z1 walk up to R1. Z1 grabbed R1's hand from the side, bent over putting his face near hers. Z1 looked up and down the hallways, but didn't look south, where I was, so he didn't see me. I saw Z1 put his hand underneath R1's shirt, from the bottom, and grab her left breast. It was a quick grab and then Z1 walked off. It was very obvious what he was doing. I immediately reported it to my nurse, E9 and she called E2 at home and told her. I wrote out a statement about it and gave it to E2." E4 said that E2 later told her that she had talked to Z1 and Z1 cussed her out. E4 said "when Z1 gets caught, he chills for awhile then starts up again."</p> <p>E2 was asked about the incident that E4 witnessed and E4's written statement. E2 said that she did not give much credibility to E4's statement as Z1 and E4 do not get along. "Z1 doesn't like E4's hair." E2 produced a copy of E4's written statement, dated 2/4/08.</p> <p>E4's written statement, dated 2/4/08, regarding Z1's behavior follows: "I was taking a resident to their room on south hall. Not many residents were in the hall yet because we had just started to pull people out of the dining room. I saw R1 sitting by her doorway, when I saw Z1 walk up and get in her face to talk to her. When he did, he was holding her hand, looking around to see if anyone was watching. He couldn't see me because I was in a room peeking out watching him because I don't trust him after the ordeal with him making out with residents. When he was bending over talking to R1, I saw him let go of her hand and put his hand up her shirts and grab her left breast. As soon as that happened, I went straight to E9 and told her."</p>	F9999			

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F9999	<p>Continued From page 40</p> <p>During an interview with E9, Licensed Practical Nurse, on 2/27/09, E9 confirmed that "about a month ago," E4 saw Z1 look both ways, up and down the hallway, and proceed to put his hand up underneath R1's blouse and fondle her breasts. E9 said that she brought R1 to the nurses station, checked her over to make sure R1 was all right, looked for Z1, and saw him through the window, pulling away from the building in his car. E9 then went back to the nurses station and telephoned E2. E9 left a message and E2 returned E9's call. E9 said that she explained exactly what E4 had seen to E2. E2 told E9 to have E4 make a written statement about what happened. E9 said that she has seen Z1 frequently initiate contact with female residents - touching their hands and faces.</p> <p>During additional interviews with E2, on 2/27/08, E2 was asked what action the Facility took in regards to E4's statement. E2 said that she had a talk with Z1 on 2/6/08, and told him about E4's allegations. E2 said that Z1 denied the event and said that E4 was mad at him. E2 said that she did not report the incident to E1, nor did E2 conduct an investigation. E2 said that she just told "everyone to watch him." E2 said that she reinterviewed E4 on 2/6/08, concerning the written statement. E2 asked E4 if she was sure about the incident and E4's said "Yes."</p> <p>6. During an interview with E8, CNA, on 2/28/08, it was stated that less than a month ago E8 saw Z1 grab R2 by the shoulders and kiss her full on the lips. E8 was in the soiled utility room at the time the incident occurred. There is a window in the door of the utility room which faces the nurses station. R2 was sitting in a lounge chair next to the door into the nurses station. E8 said</p>	F9999			

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F9999	<p>Continued From page 41</p> <p>that Z1 walked up to R2, look both ways, up and down the hallway, but did not see E8 looking through the soiled utility room window. Z1 proceeded to bend over, place his hands on either of R2's shoulders and kiss R2 on the lips. E8 said "I walked out of the soiled utility room and he acted like nothing happened." E8 said that she immediately reported the incident to E12, Registered Nurse. E8 said that E12 stated "what are we going to do with him as E2 has already talked to Z1." E8 further stated that Z1 makes her uncomfortable as he is always grabbing or touching female staff members on their sides, shoulders or back.</p> <p>During an interview with E12, on 3/3/08, E12 stated that he has personally not seen Z1 touching anyone inappropriately. E12 said that he does not remember E8 telling him about Z1 kissing R2. E12 said "I have heard things, but it's second hand."</p> <p>During an interview with E1 and E2, on 2/27/08, at approximately 2:30 PM, it was asked what the Facility planned to do to protect residents from Z1 while they were conducting their investigation. Both stated that all Facility staff knew to watch Z1 while he is in the Facility. E2 said that Z1 is usually in the dining room where there are a lot of staff. E1 said that Z1 would be placed on 1 to 1 supervision while visiting R12. E1 and E2 were concerned about the effect it would have on R12 if Z1 were not allowed in the building. E2 said that Z1 assists R12 with all of her meals. Beginning on 2/28/08, the Facility began assigning staff members to supervise Z1 while in the building.</p> <p>7. On 3/03/08, at 2:15 PM, R11 was asked about</p>	F9999			

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F9999	<p>Continued From page 42</p> <p>Z1, a male visitor, flirting with her. R11 stated, "When I told him I had a companion, he left me alone. He gives me the creeps. You know he takes women to their room in wheelchairs."</p> <p>On 3/03/08, at 11:30 AM, E13, CNA reported R11 was afraid of Z1, stating, "She (R11), says he (Z1) gives her the creeps." E13 confirmed R11 was interviewable.</p> <p>8. On 2/28/08, R4 was identified by E2, Director of Nursing, as being an interviewable resident. On 2/28/08, at 11:20 AM, R4 was asked if she had had any problems with Z1, a male visitor. R4 reported she had been involved in a car accident in which her husband had died, and she had been injured. R4 stated, "He (Z1) bad mouths me, and tells others I tried to kill my husband. He insults me, and has made me cry. He flirts, but I have never seen him do, or touch anyone inappropriate. It hurts me to see him flirt in front of his wife. She tells me to ignore him....Sometimes he uses sexually inappropriate words, suggestive words, during table conversation. It makes me uncomfortable. Z1 makes fun of residents who have accidents, and pee their pants. The staff just say, 'Consider the source,' when they are aware he (Z1) upsets others." R4 reported that she informed E14, Licensed Practical Nurse (LPN), but felt nothing had been done because Z1 continued to come to the facility.</p> <p>R4 reported Z1 places bibs on residents prior to mealtime, and smooths them down over their breasts. R4 became upset during the interview, and began to cry, stating, "Something needs to be done."</p>	F9999			

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F9999	<p>Continued From page 43</p> <p>A review of R4's clinical record on 2/28/08, showed no documentation in the Nurses Notes related to the alleged verbal and mental abuse by Z1. E14, LPN, was interviewed on 2/28/08, and reported she was unaware of any inappropriate behavior of Z1 reported to her by staff or residents. E14 confirmed that Z1 did place bibs on all of the residents prior to meals.</p> <p>9. On 2/28/08, R7 was identified by E3, DON, as being an interviewable resident. At 1:35 PM, R7 reported Z1, a male visitor, always sits across from her at meals. R7 stated, "He (Z1) was here at noon today, and got everyone's attention, and spoke to us, and said he hadn't had sex with his wife in over twenty years. He cried. Why would he say that? It's not right to tell such personal business. He flirted with all the women. The only thing he would do is push residents to their room, those who needed help, male and female. He has pushed me, but was never inappropriate. Maybe it's because I know what's going on. Today he(Z1) got up at lunch, and told us he wouldn't be back. He came over and kissed me on the side of my lips. I thought it was weird, with his wife sitting there. He kissed another woman on the cheek. I don't think that was right. He knew my husband. Do you think he wants to get with me? I don't want to. The whole thing made me uncomfortable. My husband has only been dead since last October. My son was sitting right next to me at lunch. He thought it was weird."</p> <p>On 2/28/08, at 2:00 PM, E1, the Administrator confirmed Z1 was in the dining room at lunch, discussed his lack of sex for 20 years, and was impotent. E1 confirmed Z1 began to cry, and did kiss R7 and R10 before she escorted him out of the dining room. E1 reported Z1 was on 1:1</p>	F9999			

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F9999	<p>Continued From page 44 observation at the time of the incident.</p> <p>On 2/28/08, a review of R7's clinical record showed no documentation in the Nurses Notes related to this incident.</p> <p>10. On 2/28/08, at 12:00 PM, E6, Housekeeper, was interviewed regarding Z1, a male visitor. E6, stated, "No, not technically. E2, Director of Nursing, (DON) told me to be aware of Z1, because he was rubbing female residents. I saw him (Z1) talk to R1, and pull her blouse down to straighten it last week, can't remember the day.....E2, DON, told me one day about two weeks ago to keep an eye on him. I see him almost every day. He comes in for breakfast, gets bibs and puts them on the residents, male and female."</p> <p>11. On 3/3/08, at 11:26 AM, E13, CNA, was interviewed regarding Z1, a male visitor. E13 stated, "She (R1) was in her wheelchair. He (Z1) hunched over her, and grabbed her left breast on top of her clothes. Then he kissed her. It's been a few months back. I reported it to my nurse-can't recall her name. R1 did nothing, just sat there. I don't think he(Z1) was aware I saw him. R1 was in the hallway, coming out of the dining room." E13 also stated, "R11 is terrified of him. She says he gives her the creeps. I'd say R11 is interviewable."</p> <p>12. On 3/3/08, the Minimum Data Set, (MDS), dated 1/7/08, shows R1 is moderately impaired with cognition and decision making, and requires total assistance from staff for all activities of daily living. The MDS shows R1's mode of locomotion in the facility is a wheelchair. The Physician's Order Sheet for 2/08 shows R1 has a diagnosis,</p>	F9999			

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F9999	<p>Continued From page 45</p> <p>in part, of Senile Dementia, Alzheimer's Type. On 3/3/08, at 10:20 AM, E15, CNA, reported R1 is very confused, and is not an interviewable resident.</p> <p>A review of the clinical record on 3/03 and 3/5/08, showed no documentation of any alleged sexual abuse or related investigations in R1's Nurses Notes. E13 reported wondering why Z1 was being allowed to visit the facility.</p> <p>13. A review of R2's Facility clinical record shows diagnoses, in part, of Dementia and Alzheimer's with agitation. R2's most recent Minimum Data Set (MDS), shows that she has short and long term memory problems, is moderately cognitively impaired, and wanders daily throughout the Facility. On all days of the survey, R2 was seen either walking up and down the halls on the second floor or sitting in a lounge chair next to the nurses station. R2 holds a stuffed animal or doll, all of the time. An interview was attempted with R2 on 2/27 and 2/28/08. R2 smiled whenever she was spoken to, but was unable to answer questions appropriately.</p> <p>14. R3 has diagnoses, in part, of Severe Osteoarthritis and COPD. R3's most recent MDS shows that she has short term memory problems, has anxiety, and is moderately cognitively impaired in skills for daily decision making. Interviews were attempted with R3 on 2/28/08 and 3/3/08. R3 was unable to recall anyone being physically or sexually inappropriate with her.</p> <p>15. Facility "Abuse Policy" defines Sexual Abuse as "Included but is not limited to sexual</p>	F9999			

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NAME OF PROVIDER OR SUPPLIER RANDOLPH COUNTY CARE CENTER			STREET ADDRESS, CITY, STATE, ZIP CODE 312 WEST BELMONT SPARTA, IL 62286		
(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	
F9999	<p>Continued From page 46</p> <p>harassment, sexual coercion, or sexual assault." The Policy further states that "All alleged violations involving mistreatment, neglect or abuse, and misappropriation of resident property will be reported immediately to the Administrator of his/her designee, and to other officials in accordance with Illinois law through established procedures. All alleged violations will be thoroughly investigated and further potential abuse by the accused party will be prevented while the investigation is in progress. The accused party will be immediately sent home, and will not be allowed to return to the facility until the investigation is completed. The results of all investigations will be reported to the Administrator, or his/her designated representative, and to other officials in accordance with Illinois law within 5 working days of the incident."</p> <p>Facility staff failed to report observed sexual abuse to the Facility Administrator or his/her designee. Once the Facility became aware of allegations of sexual abuse, they failed to investigate the allegations. The Facility failed to prevent further abuse from occurring by allowing the perpetrator to continue to move freely about the Facility, unsupervised. The Facility failed to report the incidents to the Illinois Department of Public Health and the local police department until it was brought to their attention on 2/28/08.</p> <p>16. During an interview with Z4, local policeman, on 3/3/08, it was stated Z1 came to the police station on 2/28/08, and spoke with the chief of police and Z4. Z4 said Z1 admitted to kissing women in the Facility. Z1 further stated if he touched women inappropriately, it was an "accident."</p>	F9999			

