

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

PRINTED: 08/10/2009
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 14G362	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED C 03/12/2009
NAME OF PROVIDER OR SUPPLIER PINE TERRACE			STREET ADDRESS, CITY, STATE, ZIP CODE 2017 NORTH PINE STREET WAUKEGAN, IL 60085		
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W 356	<p>Continued From page 48</p> <p>E3 (RSD - Residential Services Director) that R3's mother was going to take R3 to have his teeth cleaned. E1 then verified this has not yet been done.</p> <p>2) R1, per review of her 7/29/08 IPP (Individual Program Plan), is a 26 year old female whose diagnoses include Moderate Mental Retardation, Down Syndrome, Asthma and Mitral Valve Prolapse with Regurgitation.</p> <p>R1's annual dental examinations for the past 2 years were reviewed and the following was noted: - "5/3/07 - Findings: generalized gingivitis, Decay on canine tooth (lower left), bruxism, Recommendations: Ext (extract) lower left canine, Needs to be pre-med (pre-medicated)." - "4/18/08 - Findings: Dental plaque, poor oral hygiene. Recommendations: Adult cleaning, public aid doesn't cover, dad decline the treatment."</p> <p>E2 (Facility Representative) and Z1 were interviewed 2/18/09 at 3:20pm regarding R1's need for a dental cleaning. E2 verified R1 has not had her teeth cleaned for the past 2 years. E2 stated R1 can have her teeth cleaned, however, it is up to the QMRP to schedule the cleaning appointment.</p> <p>Z2 was interviewed 2/27/08 at 12 noon via a phone call. Z2 verified R1 is a patient at a local dental office. Z2 stated annual dental examinations should include dental cleanings. Z2 stated R1 was last seen in the dental office in April 2008. Z2 stated R1 has poor oral hygiene and should have her teeth cleaned at least every 3 months. Z2 stated R1 has not been back to the</p>	W 356			

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W 356 W9999	Continued From page 49 dental office since April 2008 - and at that time R1 did not have her teeth cleaned as recommended. FINAL OBSERVATIONS LICENSURE VIOLATIONS: 350.620 a) 350.3240 a) 350.3240 b) 350.3240 d) 350.3240 e) 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. Section 350.3240 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	W 356 W9999			

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W9999	<p>Continued From page 50 Department. (Section 3-610 of the Act)</p> <p>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. (Section 3-611 of the Act)</p> <p>These REGULATIONS were not met as evidenced by:</p> <p>Based on interview and record review, the facility failed to implement their policy to prevent abuse and potential abuse when they failed to:</p> <ul style="list-style-type: none"> - Ensure a system is in place for reporting 1 of 1 allegations of verbal and physical abuse (R1 and R4). - Ensure a system is in place for investigating 1 of 1 allegations of verbal and physical abuse (R1 and R4). - Ensure a system is in place for investigating 1 of 1 allegations that R3 made in a statement to police that staff "touched him." - Ensure a system is in place for removing staff from duty after allegations of verbal and physical abuse (R1 and R4). <p>Findings include:</p> <p>1) R1, per review of her 7/29/08 IPP (Individual</p>	W9999			

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W9999	<p>Continued From page 51</p> <p>Program Plan), is a 26 year old female whose diagnoses include Moderate Mental Retardation, Down Syndrome, Asthma and Mitral Valve Prolapse with Regurgitation. R1, observed and interviewed 2/18/09 at 2:40pm, is verbal and ambulatory.</p> <p>R4, per review of her 7/29/08 IPP, is a 44 year old female whose diagnoses include Mild Mental Retardation and Hypothyroidism. R4, observed and interviewed 2/18/09 at 2:40pm, is verbal and ambulatory.</p> <p>The facility's policy, titled "Investigative Committee - Policy NO: 5.24" was reviewed and notes the following:</p> <p>"Abuse: The willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting harm, pain, or mental anguish."</p> <p>"Purpose - The Investigative committee shall be responsible for the following: A. To identify, review and determine if alleged violations of any individual's rights, including abuse and neglect have occurred. B. To investigate allegations in a professional and impartial manner. C. To protect individuals from further harm."</p> <p>"Procedure A. Any facility employee or agent who witnesses or suspects a violation of resident rights, abuse, or neglect as well as injuries of unknown source shall immediately report the matter to facility management using the following protocol: 1. In order for the incident to be considered reported the employee or agent must speak</p>	W9999			

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W9999	<p>Continued From page 52</p> <p>directly to one of the following managers:</p> <ul style="list-style-type: none"> - Administrator - Executive Director - Director of Operations" <p>"3. The employee or agent will document a brief note regarding the incident on a Progress Note (Form #GP-15) prior to leaving the shift."</p> <p>"B. If the allegation is that an employee committed an act of abuse or neglect, the employee shall be suspended from duty until such time as the</p> <ol style="list-style-type: none"> 1. Investigation is complete and 2. The Administrator considers the report and takes administrative action." <p>E1 (Facility Representative) was interviewed 2/25/09 at 1:00pm. E1 and surveyor reviewed the facility's above noted policy. E1 verified she would be notified, as the identified Administrator, regarding all allegations of abuse and neglect.</p> <p>R1 was interviewed 2/18/09 at 2:40pm in her bedroom of the facility. R4 was also present at this time and contributed to the interview. R1 was asked how she was treated by staff. R1 immediately said she was poked by staff (E12 - direct care). R1 then demonstrated by poking at her left upper arm. R1 stated, "She poked at me hard, it started to hurt." "I told her to stop - it was (E12) she kept waking me out of my sleep." "She was poking to wake me up at 6am - poking real hard." "I told (E6 - direct care)." "I told my mom, she was going to talk to E1 (Facility Representative)." R1 was asked if she was hurt in any other way. R1 responded, "She never punched - just poked my arm. She works in the morning, she is a black lady. Sometimes she yells at me to stop making (R4) stuff." At this time R4 stated, "She (E12) poked me in the</p> 	W9999			

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W9999	<p>Continued From page 53</p> <p>chest." R4 was asked if she reported this to anyone. R4 stated she did not. R4 again stated E12 poked her in the chest to wake her up in the morning. R1 then stated, "I told E1 that E12 hurts me and threatens me. I don't want to live here if she hurts me. If she stays - I leave." R1 was asked if she told any other staff about E12 poking her and threatening her. R1 stated she has told other staff including E3 (RSD - Residential Service Director) and E6 (direct care).</p> <p>On 2/18/09 at approximately 1:10pm E2 (Facility Representative) was interviewed and asked if the facility had any allegations of abuse, neglect or mistreatment since January 1, 2009 until present. E2 told surveyor, 2/18/09 at 2:38pm, that there were "no reportables." E2 then clarified, no incidents of abuse, neglect or mistreatment of the clients. E2 stated she has not been made aware of any GP - 15's (the form staff use to document any unusual incidents).</p> <p>On 2/18/09 at 4:10pm surveyor met with E2 and Z1. Surveyor notified E2 and Z1 of R1's allegation that E12 was abusive towards her.</p> <p>R1's guardian was interviewed via phone calls on 2/18/09 at 7:30pm and 2/25/09 at 3:40pm. R1's guardian stated she received a phone call from R1 in mid January 2009. R1's guardian said she can not recall the exact date. R1's guardian stated R1 called her and told her that staff was poking at her and yelling at her. R1 told her guardian, "She's hitting me." R1 also told her guardian, "I'm really scared, I want to come home." R1 identified the staff that was abusing her as E12. R1's guardian stated she spoke to E1 about what R1 had told her. R1's guardian</p>	W9999			

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W9999	<p>Continued From page 54</p> <p>stated that E1 told her she spoke to E12 and E12 admitted to being loud with R1 and tapping R1 on her arm. R1's guardian stated E12 admitted to E1 she got a little loud - E12 said she gets loud when she is upset and she realizes she should keep her voice down. E12 also admitted to tapping R1 on the arm to get her up in the morning. R1's guardian also stated that R1 told her that E12 threatened to call her (guardian) and tell her that R1 has a girlfriend. R1's guardian explained that R1 calls her roommate her girlfriend and E12 is threatening R1 that she is going to tell her guardian this. R1's guardian stated she discussed all of the above with E1 during a phone conversation.</p> <p>E3 was interviewed 2/20/09 at 10:45am. E3 was asked if the facility had an investigation regarding R1's allegations of abuse. E3 stated she did not see any P15's (the facility's form for documenting unusual incidents). E3 explained that E1 would have written a P15 if there was an allegation of abuse E3 stated she was aware that R1's guardian had spoken to E1 about how E12 was waking R1 up in the morning.</p> <p>E7, E5, and E6 were interviewed regarding R1's allegations that E12 was verbally and physically abusive to herself and R4. E7 was interviewed 2/25/09 at 4:45pm via a phone call. E7 stated she was asked by E2 to write a statement on 2/18/09. E7 stated E2 asked her if she every saw a staff person hit a client. E7 stated she has not witnessed staff hit any of the clients, however it was brought to her attention that some of the residents have problems with E12. E7 explained that on several occasions R1 and R4 have complained that E12 harasses them. E7 explained that R1 and R4 like to drink coffee.</p>	W9999			

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W9999	<p>Continued From page 55</p> <p>E12 does not want them to have any coffee. R1 and R4 told E7 that E12 has told them that if they do not do their chores around the house then they can not have any coffee. R4 told E7 that E12 has poked her in the chest. E7 was asked when R4 told her this. E7 stated it was approximately 1 to 2 weeks before R4 went to the emergency room with chest pains. E7 stated that R1 told her that E12 was mad about R1 and R4 drinking too much coffee. R1 told E7 that E12 was threatening to call R1's mother and tell her that R1 is a lesbian. E7 explained that R1 calls her roommate her girlfriend and therefore E12 is threatening to tell R1's mother this. E7 stated this has been going on for about a month. (E12 threatening and harassing the clients). E7 stated that R10 and R12 consider themselves to be boyfriend and girlfriends. R5 and R11 also consider themselves to be boyfriend and girlfriend. E7 stated E12 will tell R10, R12, R5 and R11 that she is going to break them up. E7 stated E12 finds what the residents treasure the most and uses it against them. E7 stated E3 is aware of all of this because the residents have told her. E7 was asked, by surveyor, when the above occurred. E7 stated R1 and R4's allegations occurred in mid January 2009.</p> <p>E5 was interviewed 2/25/09 at 3:15pm via a phone call. E5 stated she wrote the above statement 2/18/09 as requested by E2. E5 stated that some time in mid January 2009 she was in the kitchen when R1 said that E12 poked her in the arm and E12 poked R4 in the chest. E5 stated E6 (direct care) was also present when R1 informed them of the alleged abuse. E5 stated she told R1 to call E1. R1 and R4 spoke to E1 about their allegations. E5 stated she did look at R1's arm and did not see any bruises. E5 stated</p>	W9999			

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W9999	<p>Continued From page 56</p> <p>every night someone (clients) has complained about E12. E5 stated E12 knows what buttons to push to upset the clients. E5 stated she has spoken to E3 about this and so have the clients. E5 stated E3 is also aware that E12 threatens to calls R1's guardian and tell her that R1 has a girlfriend.</p> <p>E6 was interviewed 2/25/09 at 3:25pm via a phone call. E6 stated she wrote the above statement on 2/18/09 as requested by E2. E6 stated some time in mid January 2009 R1 alleged that E12 roughly pulled her out of bed and poked R4 in the chest. E12 also yelled at R4 to change her shirt. E6 stated she heard R1 tell the above to E1 during a phone conversation. E6 stated she also spoke to E1 and reiterated the same allegations that R1 told to E1. E6 stated she was told by E1 to " make tonight a special night." E6 stated E1 said this because she wanted to encourage R1 to stay at the facility. E6 explained that R1 had called her mother and told her of the allegations. E6 stated R1's mother was upset and was threatening to take R1 out of the facility. E6 stated, "It is disturbing what (E12) does." E6 stated E12 is mentally abusing the clients at the facility and E1 and E3 are aware of this. E6 was again interviewed 2/26/09 at 1:10pm. E6 was asked if she witnessed E12 abuse the clients at the facility. E6 stated she has not, however, she bases the abuse on what the clients tell her. E6 then stated that a few months ago during a fire drill E12 hid one of R6's stuffed animals. E6 stated after a fire drill R6 noted one of her stuffed animals was missing and R6 was very upset. E6 stated she was assisting R6 in looking for the stuffed animal when E12 arrived at the facility and went into another clients' bedroom and returned R6's stuffed animal to her. E6 stated E2</p>	W9999			

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W9999	<p>Continued From page 57</p> <p>was aware that E12 hid her stuffed animal because she was talking to her on the phone when E12 returned R6's stuffed animal.</p> <p>E2 was interviewed 2/27/09 at 9:33am. E2 stated she does remember receiving a phone call regarding R6's stuffed animal. However, E2 stated she believes the stuffed animal was lost. E2 stated R6 gets very upset and cries over her stuffed animals. E2 stated she could not remember how this incident was resolved or how R6 got her stuffed animal back.</p> <p>E1 was interviewed 2/25/09 at 11:40am. E1 was asked if E5, E6, or E7 reported the allegations that R1 and R4 had reported to them. E1 stated she was never made aware of R1 and R4's allegations by E5, E6 and E7. E1 was again interviewed 2/25/09 at 12:25pm. E1 stated that maybe all 3 staff assumed she was aware of R1 and R4's allegations because she spoke to R1 on the telephone.</p> <p>E3 was interviewed 2/20/09 at 10:45am. E3 was asked if the Administrator (E1) was notified of R1 and R4's allegations of abuse. E3 stated she did not see any GP - 15's (facility's form for writing incident reports). E3 stated if there were any GP - 15's, E1 would write them.</p> <p>There was no reproducible documentation that IDPH was notified of R1 and R4's allegations of verbal and physical abuse.</p> <p>2) R3, per review of his 8/29/08 IPP (Individual Program Plan), is a 26 year old male diagnosed with Moderate Mental Retardation. R3, observed</p>	W9999			

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W9999	<p>Continued From page 58 and interviewed 2/18/09 at 2:52pm, is verbal and ambulatory.</p> <p>E7 (direct care) documented on a progress note, form GP-15, dated 2/21/09 the following: "At 11:05pm (R3) came out of his room and came to staff stating his stomach hurted. ... We then went into the med room and (R3) kept saying could I check him. So I proceeded to check his stomach and asking where it hurts. (R3) stated he wanted me to check his private area. I said I could not check that because it was his private area and I was not going to. He then grabbed my wrist and started pushing my hand down towards his private area. I snatched my hand away and told him to let go of my wrist. He then got up and went back to his room. I called the police at approx. (approximately) 11:15pm. ... Prior to the police arriving (R3) stood in his door way of his room stating that he wanted me to stay all night with him, to take my coat off and lay with him and touch hs private area. After talking with his mom (R3) went to his room and closed the door. Police arrived at 11:35pm and were informed of the situation. They went to his room and asked was he ok. (R3) told police his stomach was hurting and that I touched him. He wanted to go to the hospital. I called (E2) at 11:50pm and told her that we had a situation she needed to come to (facility). ... "</p> <p>E1 was interviewed 2/25/09 at 1pm. E1 was asked if the facility initiated an investigation regarding R3's statement to the police that E7 "touched him." E1 stated the facility did not start an investigation.</p> <p>(A)</p>	W9999			