

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

PRINTED: 11/22/2010  
FORM APPROVED  
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>14G244</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED  <b>C</b> <b>07/22/2010</b>
NAME OF PROVIDER OR SUPPLIER  <b>FREEBURG TERRACE</b>			STREET ADDRESS, CITY, STATE, ZIP CODE <b>#4 HILL MINE ROAD</b> <b>FREEBURG, IL 62243</b>		
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W 127	Continued From page 31 management; >The investigative committee will reconvene to review and investigate all allegations made to the Administrator. > The regional trainer and Executive Director will review and monitor investigative committees for the next 3 months.  While the Immediate Jeopardy was removed on 7/20/10, the facility remains out of compliance as the facility has not had the opportunity to fully implement and evaluate the effectiveness of their plan.	W 127			
W9999	FINAL OBSERVATIONS  LICENSURE VIOLATIONS  350.620a) 350.670a) 350.670f)3) 350.3240a) 350.3240c) 350.3240e)  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 350.670 Personnel Policies  a) Each facility shall develop and maintain written	W9999			

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W9999	<p>Continued From page 32</p> <p>personnel policies that are followed in the operation of the facility. These policies shall include, at a minimum, each of the requirements of this Section.</p> <p>f)3) All facility employees who deal directly with residents shall be trained on the individual requirements and behavioral issues of residents who may come under their care, to ensure the safety and dignity of each client. The employees' training and competency shall be documented.</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. (Section 2-107 of the Act)</p> <p>c) A facility administrator who becomes aware of abuse or neglect of a resident shall immediately report the matter by telephone and in writing to the resident's representative. (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 observation, interview and record</p>	W9999			

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W9999	<p>Continued From page 33</p> <p>review, the facility has failed to prevent abuse when the facility neglected to implement their policy for abuse and neglect. The facility failed to:</p> <ol style="list-style-type: none"> <li>1) ensure that the results of the 6/28/10 staff (E10) to resident (R1) physical abuse allegation were consistent with the evidence obtained.</li> <li>2) provide R1 with a timely assessment for possible injuries after the 6/28/10 incident.</li> <li>3) notify R1's guardian in a timely manner regarding the 6/28/10 incident.</li> <li>4) provide safeguarding of residents through supervision of E10 and retraining in abuse/neglect.</li> <li>5) investigate R1's consistent known refusals to board and disembark the day training bus to return to the facility; and provide a plan for day training staff and facility staff to implement regarding R1's bus boarding refusals.</li> <li>6) investigate allegations of staff (E5 &amp; E10) to resident (R1 &amp; R15) abuse reported by R1's guardian.</li> <li>7) ensure safeguarding of residents after a 7/6/10 abuse allegation regarding E5 was reported to the Administrator by surveyor;</li> </ol> <p>These failures have the potential to affect 14 of 14 current residents of the facility (R's 2-15).</p> <p>Findings include:</p> <ol style="list-style-type: none"> <li>1. In review of an undated facility roster that validates level of functioning, there are fourteen (14) individuals in the facility. R's 2, 12 and 13 function in the mild range of mental retardation. R's 1 (6/22/10 Individual Service Plan - ISP), 3, 6, 7, 8, 9, 10 and 11 function in the moderate range of mental retardation. R's 4, 5, 14 and 15 function in the severe range of mental retardation.</li> </ol>	W9999			

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W9999	<p>Continued From page 34</p> <p>R's 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12 and 14 attend the same day training site. R's 13 and 15 attend another day training site per E1 (Qualified Mental Retardation Professional - QMRP), on 7/6/10, at 2:10 p.m.</p> <p>In an interview with E1 (QMRP), on 7/6/10 at 2:10 p.m., E1 stated that he had starred on the resident roster the individuals who he felt were interviewable (R's 3, 6, 8, 9, 10, 11 &amp; 12). E1 further clarified that R1 is still on this roster, but was admitted on 6/1/10 and was discharged on 7/1/10 or 7/2/10.</p> <p>In review of R1's 6/22/10 ISP, R1 is 24 years old and functions in the moderate range of mental retardation, with additional diagnoses of Neurological Disorder and Cerebral Palsy. R1's parents are his co-guardians. His 5/20/10 Health History and Assessment documents his height at 5 foot, four inches, weighing 145 pounds. R1 is a fall risk and must be encouraged to use his walker for ambulation. This ISP further states that in the past few weeks R1 has displayed incidents of not wanting to get on the bus when it is time to leave the day training site to return to the facility. Facility staff have had to go to the day training site to get R1.</p> <p>An undated letter from E2 (Administrator), faxed to the Department on 6/29/10, states that the facility received a report from the day training site alleging that on 6/28/10, a staff member of the facility grabbed an individual by the neck and arms, pushed the individual when getting off of the bus, and cursed at the individual. Per the letter all residents and staff present were interviewed. The facility concluded that no abuse</p>	W9999			

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W9999	<p>Continued From page 35</p> <p>occurred, but did recommend that the staff member receive re-training on behavior management techniques.</p> <p>The "Investigative Committee Informal Minutes," dated 6/29/10, document that E1 (facility QMRP), and E2 (sister facility QMRP), conducted the investigation.</p> <p>The 6/29/10 facility investigation documents that the day training bus driver provided information to E1 and E2 as to who was on the bus at the time of the incident. R's 1, 2, 3, 4, 5, 9, 10, 11, 12, and 14 were identified as facility individuals who were on the bus. The bus driver stated that R6 and R8 had gotten off of the bus prior to the incident. Per the same report, Z3 (consumer who attends the same day training site, and rides the same bus), was also on the bus.</p> <p>In a 7/7/10, 10:26 a.m. interview with Z8 (bus driver), Z8 verified that she had drawn the seating map of the bus, which is included in the facility's 6/29/10 investigation. Z10 is listed as an individual on the bus seating map, but per E1 (7/6/10, at 2:10 p.m.), Z10 was not on the bus, as he is currently in a nursing home, to return to the facility after his nursing home care.</p> <p>Z8 also stated, during the 7/7/10 interview that on 6/28/10, it took about 20-30 minutes to get R1 to board the bus at day training to go home. R1 kept saying he didn't want to go back to the facility. When day training finally got R1 on the bus, the ride was okay, until we got to the facility. R1 said he did not want to get off of the bus and did not want to stay at the facility. Z8 asked R8 to get a facility staff person. R8 came back with E10. E10 told R1 to get off the bus and R1</p>	W9999			

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W9999	<p>Continued From page 36</p> <p>refused. E10 put one hand under R1's arm and another hand on his neck, stood R1 up and pushed him forward. R1 fell on the floor. Z8 stated she was standing by the wheelchair lift inside the bus and could see everything that occurred clearly. E10 told R1, "Get the f--- off of the bus motherf-----". R1 cursed back at E10. E10 stated, "You should have went home with your f----- mother when you had the chance." R1 had red marks on his neck. R1 then exited the bus on his own. His walker was down by the bus steps. Z8 called her supervisor, left a voice mail concerning the incident and talked with Z1 and Z6 when she returned to the day training site. Z8 then wrote her report and drew the bus seating chart. Z8 stated that since the second or third day that R1 began attending the day training site, it has taken quite a bit of convincing to get him off of the bus when returning to the facility. Z8 stated that E10 was angry, "very rough" with R1 and was yelling at R1.</p> <p>Z8 further stated that R1 would "bawl" his eyes out regarding getting off of the bus, but would not say why.</p> <p>Per a 6/28/10 handwritten report signed by Z8 (day training bus driver), R1 refused to get off of the bus upon return from day training to the facility. Per this report E10 (Direct Service Person - DSP) grabbed R1 under his arm and around the back of his neck. E10 pushed R1 forward to the floor. E10 stated, "Get the f--- up mother-----, and get the f--- off the bus...You should have stayed home with your f----- mother when you had the chance to." Z8's report stated there were red marks on the back of R1's neck. This report further states that R1 has been refusing to get on or off the bus in evenings,</p>	W9999			

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W9999	<p>Continued From page 37</p> <p>telling staff that he does not want to go back to the residential facility. Sometimes it takes up to 30 minutes to coax R1 to get on the bus to go home. Z8 documents that this behavior has been occurring since May 24, 2010. Z8 further stated that E10 said, "They need to do something with this mother----- before I end up hurting him and lose my job."</p> <p>Per review of the 6/29/10 facility investigation, the day training bus driver stated that R1 was refusing to get off of the bus upon arrival at the facility. The bus driver asked R8 to get a facility staff member for assistance. E10 came out, got on the bus, grabbed R1 by his neck and under his arm, picking him up, while telling him he should have went home to his mother when he had the chance. The bus driver also supplied the names of other individuals that were on the bus, stating that R8 and R6 had already gotten off the bus.</p> <p>- Per the 6/29/10 facility investigation, R9 stated that E10 grabbed R1's neck, pushed R1 and R1 fell to the floor. E10 also called R1 a mother-----.</p> <p>On 7/7/10, 11:45 a.m., surveyor conducted an interview with R9. Z6 (day training case manager), was also present. R9 functions in the moderate range of mental retardation (undated facility roster), was reported as interviewable E1 on 7/6/10, at 2:10 p.m.), and is ambulatory and verbal, speaking in complete sentences (observations at the facility on 7/6/10 from 1:25 p.m.-4:45 p.m.). R9 confirmed that he was on the bus when he saw E10 grab R1 on the back of his neck and push R1, who fell to the floor of the bus. E10 was yelling at R1. R9 stated, "(E10) is a problem...no yell at clients."</p>	W9999			

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W9999	<p>Continued From page 38</p> <p>- Per the 6/29/10 facility investigation, R4 stated that when R1 was on the bus, E10 pushed R1 and R1 fell. R1 also said F--- to E10.</p> <p>On 7/7/10, at 12:19 p.m., surveyor conducted an interview with R4. Z6 (day training case manager), was also present. R4 functions in the moderate range of mental retardation (undated facility roster), is verbal, speaking in complete sentences, and requires a wheelchair for mobility (observations at the facility on 7/6/10 from 1:25 p.m.-4:45 p.m.). R4 stated that R1 used to live at the facility, but went home to live with his mother. Without further questioning from the surveyor R4 spontaneously said, "(E10) knocked him down a little bit." R4 explained that E10 got on the bus and got R1 off the bus. R4 said she saw E10 push R1, "(R1) fell down." E10 was, "being loud." E10 told R1 if he did not get off the bus he would kick him off and that is why R1 does not like E10 anymore. All of this made me feel, "very bad."</p> <p>- Per the 6/29/10 facility investigation, R3 stated that R1 did not want to get off the bus. E10 took R1's seat belt off and shoved R1. E10 grabbed R1 and threw him to the ground, and was mad at R1.</p> <p>On 7/7/10, at 12:51 p.m., surveyor conducted an interview with R3. Z6 (day training case manager) was also present. R3 functions in the moderate range of mental retardation (undated facility roster), was reported as interviewable (E1 on 7/6/10, at 2:10 p.m.), is ambulatory and verbal, speaking in complete sentences (observations at the facility, on 7/6/10, from 1:25 p.m.-4:45 p.m.). R3 stated that he knows R1, as</p>	W9999			



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W9999	<p>Continued From page 39</p> <p>he used to live at the facility. R3 then, without further questioning, spontaneously stated, "Did you hear what (E10) did to him (R1)?" R3 stated that R1 would not get off the bus when he was supposed to. E10 got mad, unbuckled R1's seatbelt and threw him to the floor and kicked him. Ever since then R1 has not been back to the facility. R1 did not want to live at the facility. E10 got, "real mad...I was sitting right behind R1 on the bus." R1 cried at the house, "cause of what E10 did to him..when (E10) got in the house they called (E2), and she made (E10) go home...Friday was his first day back at work."</p> <p>- Per the 6/29/10 facility investigation, R11 stated that E10 was helping R1 and not being mean. R11 then stated, however, that E10 yelled at R1 when R1 said the f--- word and that R1 was pushed on the bus. (There is no evidence in the facility interview that who pushed R1 was further clarified).</p> <p>On 7/7/10, 11:21 a.m., surveyor conducted an interview with R11. Z6 (day training case manager) was present. R11 functions in the moderate range of mental retardation (undated facility roster), is ambulatory and verbal, speaking in complete sentences (observations at the facility, on 7/6/10 from 1:25 p.m.-4:45 p.m.), and is reported as interviewable (E1, on 7/6/10, at 2:10 p.m.). R11 stated that R1 used to live at the facility, but not now and that E10 works at my home. R11 stated that E10 got on the bus to get R1 off of the bus. E10 pushed R1 and R1 fell to his knees. R1 cursed at E10 using the f--- word. (E10) was yelling at R1, stating, "He woke up the dead." E10 also used the f--- word. E10 makes me, "mad" and "scared."</p>	W9999			

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W9999	<p>Continued From page 40</p> <p>- Per the 6/29/10 facility investigation, Z3 is a day training consumer who does not live at the facility, but rides the same bus as the facility individuals. Per the interview, Z3 stated that a black man got on the bus and pushed the boy with the walker, who was also wearing glasses, Z3 stated that the boy with the walker fell into her arm.</p> <p>On 7/7/10, 9:54 a.m., surveyor conducted an interview with Z3. Z4 (day training QMRP) was present. Z3 communicated with sign, gestures and the assistance of Z4. Surveyor asked Z3 if she knows R1. Z3 shook her head up and down, in an affirmative manner and signed, "long time." Surveyor asked Z3 if she rode the bus with R1. Z3 again shook her head up and down, in an affirmative manner. Surveyor asked Z3 if something happened on the bus. Z3 gestured by pushing both arms out away and then down from her body. Simultaneously Z3 signed "black man" and signed "(R1) fell down." Z3 further indicated through sign and gesture that R1 fell into her, pointing to her lap and knees and touching her arm. When asked if anyone was talking, Z3 signed she could not hear. (Z4 explained at this time that Z3 is hard of hearing and her hearing aid is broken. If it were working, Z3 would be able to hear.) When asked whether Z8 was on or off the bus, Z3 indicated that Z8 was on the bus, not in her seat, but at the door of the bus. As the interview progressed, Z3 appeared to become increasingly agitated.</p> <p>Z4 (7/7/10 at 10:10 a.m.) stated that Z3 is on her caseload and is, "very credible...very observant." Z4 stated she was present when E1 and E3 interviewed Z3 last week, and that Z3's interview of today is consistent with the interview of last</p>	W9999			

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W9999	<p>Continued From page 41</p> <p>week (6/29/10 completed by E1 and E3). Z4 stated that during last week's interview, Z3 was almost crying and was increasingly upset as the interview progressed.</p> <p>- In review of the 6/29/10 facility investigation, there is no evidence that R7 was interviewed. E3 (QMRP), on 7/7/10 at 3:05 p.m., stated that R7 was not listed as being on the bus that day during the interview with the day training busdriver. Therefore, R7 was not interviewed.</p> <p>In a 7/14/10, 10:05 a.m. phone interview with Z8, Z8 stated that R7 was on the bus during the 6/28/10 incident. R7 does not talk, so Z8 did not give his name to the facility for the investigation.</p> <p>On 7/7/10, at 2:51 p.m. surveyor conducted an interview with R7. R7 functions in the moderate range of mental retardation (undated facility roster), and is ambulatory, communicating with gestures and one-two word phrases (observations at the facility on 7/6/10, from 1:25 p.m.-4:45 p.m.). R7 was asked if he knows R1. R7 shook his head up and down and said, "Yeah." When asked if R1 lived here, R7 shook his head up and down and said, "Yeah." R7 then said, "No more." When asked if R1 rode the bus with him, R7 shook his head up and down and said, "Yeah." R7 was asked if something happened on the bus. R7 shook his head up and down and said, "Yeah...(E10)." R7 then spontaneously, used both of his arms and gestured outward and downward in a pushing manner. While gesturing, R7 said, "(R1)...(E10)...floor." Surveyor asked who was on the floor - E10 or R1. R7 said, "(R1)." R7 was asked if there was talking. R7 said, "loud....(R1)...(E10)."</p>	W9999			

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W9999	<p>Continued From page 42</p> <p>- In review of the 6/29/10 facility investigation, R6 stated that R1 does not want to get off the bus and that E10 helped with R1. R6 stated that R1 was not listening to the bus driver and that the bus driver said she was going to kick R1 off of the bus if he did not get off the bus next time.</p> <p>On 7/7/110, at 12:00 p.m., surveyor conducted an interview with R6. Z6 (day training case manager) was present. R6 functions in the moderate range of mental retardation (undated facility roster), is ambulatory with the assistance of a walker, and is verbal, speaking in complete sentences (observations at the facility on 7/6/10 from 1:25 p.m.-4:45 p.m.), and is interviewable (E1, on 7/6/10, at 2:10 p.m.). R6 was asked if she knows R1. R6 shook her head in an and down manner and stated, "He (R1) got kicked off of the bus." R6 then stated that R1 makes us late. Spontaneously, R6 stated, "That day (E10) came out to help get him off the bus...doesn't want to go home...(E10) got mad and pushed (R1)." R6 stated that E10 grabbed R1 by his arm and back. R6 could not remember if R1 fell or not.</p> <p>The 6/29/10 facility typed report states that the day training bus driver's interview validated that R6 had already gotten off the bus before the alleged incident.</p> <p>In a 7/14/10, 10:04 a.m. phone interview with Z8, Z8 stated that R6 was already off the bus when the incident occurred. R6 was standing about 15 feet from the bus and would have easily heard E10 and R1. Z8 further stated that the wheelchair lift was down and this would allow R6 a visual view of the bus aisle, E10 and R1. Z8</p>	W9999			

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W9999	<p>Continued From page 43</p> <p>said that R6 would also be able to see in the bus windows, but could probably not see R1 if seated in his seat.</p> <p>- The 6/29/10 facility investigation documents an interview with R10. The typed portion of the interview states that when asked if anything made her feel uncomfortable, R10 replied "no." The handwritten notes pertaining to R10's interview state, "wait on bus, smiled a lot." E3 (on 7/7/10, at 3:05 p.m.), confirmed that these were her handwritten notes from the interview.</p> <p>On 7/7/10, at 12:48 p.m., R10 was interviewed. Z6 (day training case manager) was present. R10 functions in the moderate range of mental retardation (undated facility roster), is ambulatory and verbal (observations on 7/6/10, at the facility from 1:25 p.m.-4:45 p.m.), and is interviewable (E1 on 7/6/10, at 2:10 p.m.). R10 stated that (E10) had to help get (R1) off the bus, "Yeah, (E10) got on the bus...(R1) hit (E10)...(E10) pulled him up...hard...." R10 could not remember what was said.</p> <p>- The 6/29/10 facility investigation documents an interview with R2. (Per observations at the facility on 7/6/10, at 3:00 p.m., R2 has bilateral hearing aids). The report states that she was asked if anything made her feel uncomfortable at the facility. "No" is documented as the reply. There is no further evidence in the facility's report that R2 was further assisted in the interview process.</p> <p>On 7/7/10, at 4:20 p.m., surveyor talked with R2 in her room at the facility. Even with hearing aids in and surveyor speaking loudly in R2's ear, an interview was not accomplished. R2 just shook</p>	W9999			

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W9999	<p>Continued From page 44</p> <p>her head side to side, pointed to her ear, appearing to indicate that she could not hear.</p> <p>On 7/8/10, at 10:02 a.m., Z4 (day training QMRP) accompanied surveyor and R2 to the day training bus that transports the facility individuals back and forth to the residential facility. R2 was able to show surveyor where she sits on the bus. R2 was able to acknowledge that she knows R1 and could show surveyor where R1 usually sits on the bus. When asked if anything occurred with R1, R2 shook her head up and down, then side to side and shrugged her shoulders. The surveyor felt that R2 could not provide a reliable interview. There were no further attempts to interview R2.</p> <p>- The 6/29/20 facility investigation documents an interview with R12. The handwritten portion of the interview states that R14 hit R7 when they waited in line. When asked if he ever felt uncomfortable at the facility, "no" is documented as the reply.</p> <p>On 7/7/10, between 2:55 p.m. and 4:45 p.m., two separate attempts were made by surveyor to interview R12. R12 kept saying, "40 year anniversary," and could not be acclimated to the surveyors questions. The surveyor felt that R12 could not provide a reliable interview. There were no further attempts to interview R12.</p> <p>- The 6/29/10 facility investigation documents an interview with R14. The report states that E10 helped R1 off of the bus and that R1 was being mean. E10 told R1 to get off the bus.</p> <p>On 7/7/10 and 7/8/10, surveyor attempted to interview R14, after his return to the facility in the afternoon. R14 would not respond to surveyor.</p>	W9999			

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W9999	<p>Continued From page 45</p> <p>- The 6/29/10 facility investigation documents an interview with R5. Per the report, R5 said that R1 was mad at E10 and she did not know why. When asked if she ever felt uncomfortable at the facility, "no" is the documented response.</p> <p>On 7/7/10, at 9:29 a.m., surveyor conducted an interview with R5. Z4 (day training QMRP) was present. R5 stated yes when asked if she knew R1. R5 also replied "yes" when asked if R1 used to live at the facility and if R1 lives there now. When asked if anything occurred on the bus regarding R1, R5 shook her head up and down, then side to side. The surveyor felt that R5 could not provide a reliable interview. There were no further attempts to interview R5.</p> <p>- The 6/29/10 facility investigation documents an interview with R8. Per the interview, R1 would not get off the bus, so the bus driver told her to get a staff member. R8 stated that E10 got on the bus to get R1, and that E10 told R1 it was time to get off the bus and asked R1 to get off the bus. The resident interview sheet that asks if a resident has ever felt uncomfortable at the facility documents R8's response as, "no."</p> <p>On 7/7/10, at 3:07 p.m., R8 was interviewed. R8 confirmed that she knows R1 and that R1 used to live at the facility. R8 stated that she was not on the bus during the alleged incident involving E10 and R1. R8 stated that all she saw was R1 exiting the bus, confirming that she did not see the actual incident occur. At that time, E10 was talking to R1, trying to get him in the house.</p> <p>-Per the 6/29/10 facility investigation, there is no evidence of an interview with Z11. In a 7/7/10,</p>	W9999			

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W9999	<p>Continued From page 46</p> <p>10:26 a.m. interview with Z8, Z8 confirmed that she drew the bus map and that Z11 is a day training consumer who rides the same bus as the facility residents.</p> <p>In a 7/15/10, 12:13 p.m. phone interview with Z1 (Day Training Program Director), Z1 confirmed that Z11 is still on the bus when the facility individuals get off of the bus upon their return home in the afternoon.</p> <p>Z11 was interviewed by surveyor on 7/8/10, at 9:20 a.m. Z4 (day training QMRP) was present for the interview. Per observations at this time, Z11 is blind, but speaks in complete sentences. Z11 acknowledged that he knows R1 and that they ride the same bus. Spontaneously, Z11 said, "Something happened to (R1) on the bus. (R1) fell on the bus." Z11 then stated he was done talking, and to ask staff.</p> <p>- The 6/29/10 facility investigation documents an interview with R1 on 6/29/10. Per the interview R1 stated that E10 helped him get off of the bus and was nice to him. R1 also said that he did not want to live at the facility. The handwritten portion of the interview with R1 documents that R1 was, "very nervous."</p> <p>On 7/6/10 at 12:10 p.m., R1 was interviewed by surveyor. Per observations at this time, R1 is ambulatory, but has a clumsy gait. R1 did not have his walker with him. R1 was wearing eye glasses and could speak in complete sentences. When asked how staff treated him at the facility, R1 stated, "real bad...(E5)...and (E10)." Spontaneously and without further questioning, R1 stated that E10 pushed "me" to the floor "in the hallway...in the night...was bedtime...." "His</p>	W9999			



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W9999	<p>Continued From page 47</p> <p>hand was on my neck and my head...nope he didn't push my shirt...fell to floor...real hard...my head hurt...hit my head...hit my head on the floor...back of head." R1 pointed to the back of his head at the hair line while he was talking.</p> <p>"One day didn't want to get off bus...(E10) came out and got me...grabbed my arm and told me to get off bus...." While talking, R1 pointed to the inner fold of his elbow. "Still in my seat when he did this...pulled me up...(E10) kicked me." While talking, R1 pointed to the back of his leg behind his knee. "(R9), my roommate was sitting by me...fell down...(E10) has kicked me more than once...when got inside (E10) yelled at me...sat on couch."</p> <p>"(E5) got mad when told me to get in the shower...I hit (E5)..I was mad...(E5) leveled me to the floor two times...hit my head again...on floor."</p> <p>"(R15) wouldn't get in shower...called them bad names...they grabbed him and he screamed real loud." R1 identified E10 as one of the perpetrators. When asked who "they" were R1 did not immediately respond. R1 then stated he liked E1 (facility QMRP). R1 then stated (E5) was the other staff at shower time.</p> <p>In an interview with R1's guardian, on 7/6/10 at 11:27 a.m., R1's guardian presented to surveyor a hand printed lined note paper dated 6/28/10. R1's guardian stated that R1 had told her the following information and she had written it down. Per the note, R1 said E10 threw him to the floor and kicked him in the leg. On other occasions E5 has pushed R1 to the floor, resulting in R1 hitting his head and back . This occurred in the facility hall and bathroom. - E10 has also thrown him to</p>	W9999			

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W9999	<p>Continued From page 48</p> <p>the floor in the bathroom. He has been called names by E5 and E10.</p> <p>- The 6/29/10 facility investigation documents an interview with E10 on 6/29/10. Per this report the bus driver wanted E10 to get R1 off the bus. E10 unbuckled R1's seat, put both of his arms under R1 to raise him up. When he did this R1 fell to the floor. The bus driver was getting R4 off of the bus. R1 was mad and cursing. When R1 got off of the bus he sat outside in front for about an hour and then came in and worked on his laundry. This is when E2 (Administrator) called and stated that he was suspended.</p> <p>On 7/9/10 at 12:00 p.m., surveyor interviewed E10. E10 stated that on 6/28/10, he was asked to help get R1 off of the day training bus after its arrival back to the facility. When he went out R4 was coming down the wheelchair lift. I got on the bus, put my arms under R1's and got him up out of the seat. R1 stated he didn't want to go. The other consumer who is in a wheelchair had her foot in the aisle and R1 tripped over her foot. R1 got up on his own, exited the bus on his own, got his walker and went into the facility. E10 stated he then helped R4 into the house. R1 did come outside and sit for a while. E10 denied raising his voice and cursing at R1.</p> <p>-The 6/29/10 facility investigation concluded that the bus driver was outside of the bus when R1 was exiting the bus. E1 and E3 came to the conclusion that R1 "was agitated about having to get off of the bus and was cursing because he was agitated. We (E1 &amp; E3) both feel that the bus driver was operating the wheelchair lift when E10 came to get R1 off the bus. We (E1 &amp; E3) both looked at the seating chart and concluded</p>	W9999			

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W9999	<p>Continued From page 49</p> <p>that the other residents that claim that (R1) was pushed from where they were sitting may have looked like it. We feel that the other person that was sitting next to (R1) in the wheelchair, which (R1) tripped and fell over the wheelchair when (E10) picked him up."</p> <p>The facility's 6/29/10 interview with E10 documents that Z8 was getting R4 off of the bus, but does specify where exactly in the process Z8 was with this task. In Z8's 6/29/10 interview with E1 and E3, Z8 stated that she was on the wheelchair lift when E10 entered the bus, and the facility has no evidence to contradict this interview. There is no evidence in the final 6/29/10 report as to how E1 and E3 came to this conclusion. Additionally, surveyor's 7/7/10, 9:54 a.m. interview with Z3 validates that the bus driver was at the door of the bus, and able to view the incident.</p> <p>On 7/8/10, at 10:30 a.m., surveyor accompanied Z8 to the day training bus utilized on 6/28/10. The wheelchair lift is immediately to the left of the bus entry door. Z8 put the wheelchair lift down and demonstrated to surveyor where she was standing when the incident occurred. Z8 stood on the wheelchair lift, left front side. Immediately behind the lift there are five (5) seats. R1 was sitting in the second seat back from the lift. On the other side of the bus, there are three (3) seats, with room for the two individuals who utilize wheelchairs during transport (Z3 and R4). From any seat on the bus, surveyor could easily see R1's seat. Surveyor also stood on the wheelchair lift where Z8 stated she was standing during the incident. From this location, surveyor could easily see R1's seat and the center aisle.</p>	W9999			

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W9999	<p>Continued From page 50</p> <p>Per the undated letter to the Department regarding the 6/28/10 incident, the investigative committee concluded that no abuse occurred, but would recommend that E10 receive re-training in behavior management techniques.</p> <p>E10's personnel file was reviewed. Per the file, E10 is 6 foot, 2 inches tall and weighs 244 pounds.</p> <p>R1's 6/22/10 ISP, and his 5/2010 health history document that he is 5 foot 4 inches tall and weighs 145 pounds.</p> <p>The 10/04 "Investigative Committee" facility policy defines Neglect as, "Failure to provide goods and services necessary to avoid physical harm, mental anguish, or mental illness."</p> <p>The 10/04 "Investigative Committee" facility policy defines Abuse as, "The willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting harm, pain, or mental anguish."</p> <p>The Investigative Committee is 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>2. The facility's 6/29/10 "Investigative Committee Informal Minutes" document that the 6/28/10 bus incident regarding the alleged physical and verbal abuse by E10 (DSP) against R1 was reported by the day training site to E2 (Administrator), on</p>	W9999			

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W9999	<p>Continued From page 51</p> <p>6/28/10. Within the facility's investigation packet, there is a handwritten report from the day training bus driver, dated 6/28/10. The fax date (from day training to the facility) is 6/28/10.</p> <p>Per this report, the bus driver writes, "(E10) grabbed (R1) under his arm and around the back of his neck, (E10) stood up and pushed him forward to the floor...."</p> <p>In review of R1's file, there is no evidence of R1 being checked for injuries on 6/28/10, after the facility had been informed of the alleged physical abuse to R1.</p> <p>In a 7/8/10, 12:29 p.m. interview with E2 (Administrator), E2 was notified that no injury assessment could be found in R1's file. Surveyor asked if there might be such documentation that had not been yet filed. E2 replied, "Probably not." When asked if she would expect staff to check individuals for injury after a fall or alleged fall, E2 stated, "Well, let's just put it this way...didn't tell staff to check him (R1) out for injuries."</p> <p>The 6/29/10 "Investigative Committee Informal Minutes" state, "An investigation of the incident reported on 6/28/10 regarding (R1) was conducted on 6/29/10 by E1 and E3 (QMRP's).</p> <p>The report states, "On 6/29/10 (E1) and (E3) went to (daytraining) to interview residents and the bus driver. The end of the report states, "We checked (R1) over for bruises and marks behind his neck and on the lower part of his body, and none were found...."</p> <p>The facility failed to assess R1 for injuries in a</p>	W9999			

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W9999	<p>Continued From page 52</p> <p>timely manner, after the allegation of physical abuse was reported regarding E10 abusing R1.</p> <p>Under the 6/03 "Physical Injury and Illness Medical Emergencies" facility policy it states that individuals served by the agency shall receive timely and effective medical service for physical injuries...in the event that an individual sustains an injury, staff on duty shall conduct observation and observe the individual to determine basic information necessary for nurses or physicians to make further judgements.</p> <p>Under the 7/04 "Nursing Services" facility policy, it states that all individuals shall receive proper treatment of minor accidents and shall provide nursing services necessary to meet the individual's needs.</p> <p>3. The facility's 6/29/10 "Investigative Committee Informal Minutes" documents that the 6/28/10 bus incident, regarding the alleged physical and verbal abuse by E10 (DSP) against R1 was reported by the day training site to E2 (Administrator), on 6/28/10.</p> <p>In an interview with R1's guardian, on 7/26/10, at 11:27 a.m., R1's guardian stated that Z6 (day training staff), was the person who had first notified her of the alleged physical and verbal abuse of R1. R1's guardian stated that she received the information in a phone call in the late afternoon of 6/28/10.</p> <p>In the same interview, R1's guardian stated that E1 (facility QMRP), called her on 6/29/10, at approximately 5:00 p.m., to notify her of the alleged physical and verbal abuse of her son</p>	W9999			

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W9999	<p>Continued From page 53 (R1).</p> <p>In a 7/8/10, 11:35 a.m. interview with E2 (Administrator), E2 confirmed that R1's guardian was not notified by the facility until 6/29/10.</p> <p>The 6/03 "Physical Injury and Illness/Individual Medical Emergencies" facility policy states that individuals served by the agency shall receive timely and effective medical service for physical injuries. "The QMRP shall notify the guardian and/or relative designated by the individual of the situation as soon as possible."</p> <p>4. Regarding the 6/28/10 allegation against E10 (DSP), the facility's undated letter to the Department states that the investigative committee does not find any abuse occurred, but does recommend that the staff member receive re-training on behavior management techniques to ensure an individual's safety during escorting.</p> <p>The facility "Investigative Committee Informal Minutes", dated 6/29/10, states, "Recommendations from the investigator were as follows - (E10) retake aggression management training."</p> <p>In an interview with E2 (Administrator), on 7/8/10, at 11:55 a.m., E2 stated that E10 would receive retraining in this area at the next staff training, which was scheduled for 8/5/10.</p> <p>In a 7/9/10, 9:30 a.m. interview with E2, E2 stated that E10 returned to work on 7/2/10. When asked, E2 stated that no safeguards have been "formally" implemented to monitor E10 since his return to work. E2 stated that other</p>	W9999			

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W9999	<p>Continued From page 54</p> <p>staff in the facility have been trained in abuse and neglect. These staff would report any problems regarding E10.</p> <p>The 7/04 "Staff Training and Orientation" policy states that staff shall receive training and orientation to enable them to respond to individual's needs and wants appropriately and effectively. The purpose of training is to ensure the safety and well-being of all individuals in the facility and to provide appropriate training to staff working with the individual. "Staff shall receive on going in-service training as needed."</p> <p>5. R1's 6/22/10 ISP states, "The past few weeks, (R1) has displayed incidents of not wanting to get on the bus when it is time to leave from (day training). On one occasion, staff had to go to (day training) to get (R1)."</p> <p>On 7/7/10, at 8:20 a.m., Z5 (production coordinator), stated she has been an employee of the day training site since 5/2005, and that she worked with R1 when he resided at another residential facility prior to living at the facility. Z5 stated that when R1 resided at the other facility, there were no issues with R1 getting on or off the bus to and from residential to day training, that R1, "was perfectly willing."</p> <p>Since he has resided at the facility, he has been exhibiting behaviors of not wanting to get on the bus to go home. R1 states, "I don't want to live there." Z5 states that R1 would not say why.</p> <p>On 7/7/10, at 10:10 a.m., Z4 (day training QMRP) was interviewed. Z4 stated she is often present when it is time for R1 to board the bus in the</p>	W9999			



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W9999	<p>Continued From page 55</p> <p>afternoon to go home to his residence. At first, there were no problems getting on the bus. After about two (2) weeks, R1 began saying he did not want to go back to the facility. R1 would just refuse to get up out of his seat. It would take 2-3 staff to get him motivated. R1 states he wants to go back to the former residential facility, and be with his roommate.</p> <p>On 7/7/10, at 11:05 a.m., Z2 (program supervisor) was interviewed. Z2 stated that she helps individuals get ready to go home on a daily basis and is usually the bus monitor. R1 hates getting on the bus and is "always" the last one on the bus. R1 will not tell us why, just says, "I just don't want to go to (facility)." As early as lunch, R1 would begin to worry about and talk about not wanting to go home. Z2 has seen him cry many days regarding this same issue. This has been going on for at least three (3) weeks. His old roommate tried to help and encourage him, but that does not help either.</p> <p>On 7/7/10, at 9:32 a.m., Z1 (day training Program Director) was interviewed. Z1 stated she has observed R1 refusing to get on the bus, and can remember only one day that this behavior has not occurred. Z2 stated that R1 would cry and become upset regarding boarding the bus to go home. 20-30 minutes was typical when trying to get R1 to get on the bus to go to the facility.</p> <p>On 7/7/10, at 10:26 a.m., Z8 (bus driver) stated that on 6/28/10, it took about 20-30 minutes to get R1 to board the bus at day training to go home. R1 kept saying he did not want to go back to the facility. When day training staff finally got R1 on the bus, the ride was okay until arrival at the facility. R1 said he did not want to get off of</p>	W9999			

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W9999	<p>Continued From page 56</p> <p>the bus and did not want to stay at the facility. Z1 further stated that R1 would "bawl" his eyes out regarding getting off of the bus, but would not say why. Z8 added that since the second or third day that R1 began attending the day training site, it has taken quite a bit of convincing to get him off of the bus when returning to the facility.</p> <p>On 7/7/10, at 8:45 a.m. a confidential interview was conducted. R1 began attending the day training again on 5/24/10, explaining that R1 had had medical issues and surgery. R1 has been consistently crying, refusing to get on the bus, recalling only one day when he did not display this type of behavior. E1 (facility QMRP) has had to come to the day training site and drive R1 back to the facility. When E1 would arrive, R1 would say, "Are you gonna be there when I get home?" If E1 was going to be there, R1 would settle down. Now that R1 is back home with his family, there have been no problems with his behavior. R1's mother has been transporting him back and forth daily.</p> <p>In a 7/21/10, 9:40 a.m. phone interview with E2 (Administrator), when asked, E2 stated that the facility had not conducted an investigation regarding R1's refusals to board and disembark the bus. E2 further stated that R1 wanted to live with his former roommate and friend at another residential facility, and that this was the reason for his non-compliance in boarding and disembarking the bus. When asked, E2 stated that R1's behaviors regarding the bus issue did not raise any red flags that would require a facility investigation.</p> <p>In the same interview, E2 confirmed that the facility had not implemented a program plan for</p>	W9999			

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W9999	<p>Continued From page 57</p> <p>facility and day training staff regarding R1's boarding/disembarking bus refusals.</p> <p>The 10/04 "Investigative Committee" facility policy defines Neglect as, "Failure to provide goods and services necessary to avoid physical harm, mental anguish, or mental illness."</p> <p>6. On 7/6/10, at 4:15 p.m., E2 (Administrator) stated that she had spoken to R1's mother on the phone. No date was provided and E2 could not recollect the date. During this phone conversation, R1's mother notified E2 of two (2) allegations of abuse that R1 had related to his mother. R1 told his mother that a female staff member (E5) had hit him. R1 also stated that E10 had knocked him off of the toilet. E2 stated to surveyor, "I told her to please put it in writing and I would investigate."</p> <p>E2 further stated that regarding R1's mother's allegations, she had reviewed facility progress notes, and there were two occasions when R1 hit staff, with no evidence of staff hitting R1 on these dates. Regarding the E10 toilet allegation, E2 stated the only incident she was aware of from staff and E1 (facility QMRP) was when R1 had a behavior in the bathroom, lost his balance, and knocked a hole in the wall. E2 stated that after reviewing the progress notes from these incidents, no further investigation was required.</p> <p>(A)</p>	W9999			