

DEPARTMENT OF PUBLIC HEALTH
STATE OF ILLINOIS

THE DEPARTMENT OF PUBLIC HEALTH)
STATE OF ILLINOIS,)
 Complainant,)
)
 vs.)
)
PROFESSIONAL CARE MANAGEMENT, INC.)
 Respondent,)

Docket No. NH 10-S0349

NOTICE OF REPEAT "B" VIOLATION(S);
NOTICE OF TYPE "B" VIOLATION(S);
NOTICE OF CONDITIONAL LICENSE;
NOTICE OF FINE ASSESSMENT;
NOTICE OF PLACEMENT ON QUARTERLY LIST OF VIOLATORS;
NOTICE OF OPPORTUNITY FOR HEARING

Pursuant to the authority granted by the Nursing Home Care Act (210 ILCS 45/1-101) (Act),
NOTICE IS HEREBY GIVEN:

NOTICE OF REPEAT "B" VIOLATION(S) AND ORDER TO ABATE OR ELIMINATE

It is the determination of the Illinois Department of Public Health, State of Illinois (Department) that there has been a substantial failure by Respondent to comply with the Act. This determination is subsequent to a Licensure Investigation, conducted by the Department on October 25, 2010, at Comfort Harbor Home, 114 West 2nd Street, Milan, Illinois. On November 18, 2010, the Department determined that such violations constitute one or more Type Repeat B violations of the Act and the Skilled Nursing and Intermediate Care Facilities Code, 77 IL. Adm. Code 300.

The nature of each such violation is further described in the Statement of Violations which is attached hereto as Attachment A and made a part hereof.

Pursuant to Section 3-303 of the Act, the above-referenced facility is hereby ordered to abate and/or eliminate the above violation(s) immediately.

A Repeat Type "B" violation may affect your eligibility to receive or maintain a two-year license, as prescribed in Sec. 3-110 of the Nursing Home Care Act.

NOTICE OF TYPE "B" VIOLATION(S)

It is the determination of the Illinois Department of Public Health, State of Illinois (Department) that there has been a substantial failure by Respondent to comply with the Act. Subsequent to a Licensure Investigation, conducted by the Department on October 25, 2010, at Comfort Harbor Home, 114 West 2nd Street, Milan, Illinois, the Department determined that such violations constitute one or more Type B violations of the Act. The nature of each such violation is further described in the statement of violation which is attached hereto as Attachment A and made a part hereof.

Pursuant to Section 3-303(b) of the Act, the licensee shall, within (10) days of the delivery to the licensee of this Notice of Violation, prepare and submit to the Department a plan of correction for all Type "B" violations and any violations listed under the Administrative Warning heading for which a plan of correction is required. The plan of correction shall be filed with the Illinois Department of Public Health, Division of Long-Term Care Quality Assurance, 525 West Jefferson, Springfield, Illinois 62761. The plan should include a correction date not to exceed sixty (60) days for Administrative Warning violations for which a plan of correction is required, and thirty (30) days for Type "B" violations, a description of how the violation was or is to be corrected, and a statement describing what measures will be taken to avoid reoccurrence of the violation. If the Department for any reason rejects the submitted plan of correction, a notice of the rejection and the reason for the rejection will be forwarded to the facility representative.

A modified plan shall be filed within ten (10) days of receipt of the notice of rejection. If the modified plan is not timely submitted, or if the modified plan is rejected, the Department will impose a plan of correction.

Pursuant to Section 3-303(c) of the Act you may submit a report of correction in place of a plan of correction for any of the violations which have already been corrected. The report of correction shall contain the correction date, a description of how the violation was corrected and statement describing what measures will be taken to avoid reoccurrence of the violation. The report of correction must be signed by the administrator under oath.

A "Type B" violation may affect your eligibility to receive or maintain a two-year license, as prescribed in Sec. 3-110 of the Nursing Home Care Act.

NOTICE OF CONDITIONAL LICENSE

In accordance with Sections 3-305 and 3-311 of the Act, the Department hereby issues a Conditional License for the operation of the Facility. This replaces the unrestricted license issued to Comfort Harbor Home on December 18, 2009. The Facility's current license number is 0025452. The term of the conditional license shall be from January 10, 2011 to July 9, 2011. THE CONDITIONAL LICENSE SHALL BE CONSPICUOUSLY POSTED IN THE FACILITY BEGINNING ON January 10, 2011.

The Conditional License will be withdrawn and an unrestricted license will be issued to Respondent upon the expiration of the term of the Conditional License, provided Respondent substantially complies with the attached Imposed Plan of Correction.

During the term of the Conditional License, Respondent will retain its status as a certified provider of Medicaid services so long as Respondent's facility complies with the applicable federal regulations.

Failure by Respondent to substantially comply with the terms of the attached Imposed Plan of Correction may result in the revocation of the Conditional License in accordance with Sections 3-316 and 3-119 of the Act.

If the Respondent timely requests a hearing to protest the basis for the issuance of the Conditional License, the terms of the Conditional License shall be stayed pending the issuance of the Final Order at the conclusion of the hearing and the facility may operate in the same manner as with an unrestricted license. However, the Imposed Plan of Correction must be followed.

NOTICE OF FINE ASSESSMENT

Pursuant to Section 3-305 of the Act the Department hereby assesses against Respondent a monetary penalty of \$1,000.00, as follows:

Repeat B violation for violating sections 330.620g), a fine of \$1,000.00.

Section 3-310 of the Act provides that all penalties shall be paid to the Department within thirty (30) days of receipt of notice of assessment by mailing a check (note Docket # on the check) made payable to the Illinois Department of Public Health to the following address:

Illinois Department of Public Health
P.O. Box 4263
Springfield, Illinois 62708

If the penalty is contested under Section 3-309, the penalty shall be paid within ten (10) days of receipt of the final decision, unless the decision is appealed and stayed by court order under Section 3-713 of the Act.

A penalty assessed under this Act shall be collected by the Department. If the person or facility against whom a penalty has been assessed does not comply with a written demand for payment within thirty (30) days, the Director shall issue an order to do any of the following:

- (A) Direct the State Treasurer to deduct the amounts otherwise due from the State for the penalty and remit that amount to the Department.
- (B) Add the amount of the penalty to the facility's licensing fee; if the licensee refuses to make the payment at the time of application for renewal of its license; the license shall not be renewed; or
- (C) Bring an action in circuit court to recover the amount of the penalty.

NOTICE OF PLACEMENT ON QUARTERLY LIST OF VIOLATORS

In accordance with Section 3-304 of the Act, the Department shall place the Facility on the Quarterly List of Violators.

NOTICE OF OPPORTUNITY FOR A HEARING

Pursuant to Sections 3-301, 3-303(e), 3-309, 3-311, 3-313, 3-315, and 3-703 of the Act, the licensee shall have a right to a hearing to contest this Notice of Repeat Type "B" Violation(s), Notice of Conditional License, and Notice of Fine Assessment. In order to obtain a hearing the licensee must send a written request for hearing no later than ten (10) days after receipt by the licensee of these Notices. The request for hearing must be sent to the Illinois Department of Public Health, Division of Long-Term Care, Quality Assurance, 525 West Jefferson Street, Fifth Floor, Springfield, Illinois 62761.

FAILURE TO REQUEST A HEARING WITHIN TEN DAYS OF RECEIPT OF THIS NOTICE WILL CONSTITUTE A WAIVER OF THE RIGHT TO SUCH HEARING.

FINE REDUCTION IF HEARING WAIVED

Pursuant to Sections 3-305(10), 3-309 and 3-310 of the Act, a licensee may waive its right to a hearing in exchange for a 35% reduction in the fine, or in exchange for an offset of any civil money penalty paid for a federal deficiency equivalent to the violation(s) upon which the fine is based. The amount of the offset cannot exceed 75% of the fine.

Licensees wishing to receive the automatic 35% waiver reduction must submit a written waiver of the right to a hearing, along with a check for 65% of the fine. Licensees wishing to receive an offset for the amount of any civil money penalty paid must submit a written waiver of the right to a hearing, proof that the civil money penalty has been paid, and a check for the amount of the fine minus the offset. Waiver materials and payments must be submitted within ten (10) business days of receipt of this notice to the address above for requesting a hearing.

William A. Bell
Acting Deputy Director
Office of Health Care Regulation

Dated this _____ day of _____, 2010.

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PROOF OF SERVICE

The undersigned certifies that a true and correct copy of the attached Notice of Repeat Type “B” Violation(s); Notice of Type “B” Violations; Notice of Conditional License; Notice of Fine Assessment; and Notice of Placement on Quarterly List of Violators; Notice of Opportunity for Hearing were sent by certified mail in a sealed envelope, postage prepaid to:

Registered Agent: R.J. Evans
Licensee Info: Professional Care Management, INC.
Address: 114 W. 2nd Avenue
 Milan, Illinois 61264

That said documents were deposited in the United States Post Office at Springfield, Illinois, on the _____ day of _____ 2010.

Wendy Fry