

STATE OF ILLINOIS
DEPARTMENT OF PUBLIC HEALTH
“REPEAT B” VIOLATION(S)
STATEMENT OF VIOLATIONS

MARKS SUNSET MANOR

0011312

Facility Name

I.D. Number

1044 WHITTLE, OLNEY, ILLINOIS 62450

Address, City, State, Zip

30200

MAY 24, 2011

Reviewed By

Date of Survey

CONDITIONAL LICENSURE FOLLOW UP TO COMPLAINT
INVESTIGATION #1150161/IL51460

05397

Type of Survey

Surveyed By

As a result of a survey conducted by representative(s) of the department, it has been determined the following violations occurred. Please respond to each violation. The response must include specific actions which have been or will be taken to correct each violation. The date of which each violation will be corrected must also be provided. Forms are to be submitted with the original signature.

IMPORTANT NOTICE:

THE STATE AGENCY IS REQUESTING DISCLOSURE OF INFORMATION THAT IS NECESSARY TO ACCOMPLISH THE STATUTORY PURPOSE AS OUTLINED UNDER PUBLIC ACT 83-1530. DISCLOSURE OF THIS INFORMATION IS MANDATORY. THE FORM HAS BEEN APPROVED BY THE FORMS MANAGEMENT CENTER.

“REPEAT B” VIOLATION(S):

330.715a)

Section 330.715 Request for Resident Criminal History Record Information

330.715c)

330.715e)

330.715f)

330.720e)4)

330.725f)

330.726d)1)2)3)

330.780a)

330.785b)2)

330.785c)1)2)3)4)5)

330.785d)

330.4240a)

- a) A facility shall, within 24 hours after admission of a resident, request a criminal history background check pursuant to the Uniform Conviction Information Act [210 ILCS 2635] for all persons 18 or older seeking admission to the facility. Background checks shall be based on the resident's name, date of birth, and other identifiers as required by the Department of State Police.
- c) If the results of the background check are inconclusive, the facility shall initiate a fingerprint-based check.....
- e) The facility shall provide for or arrange for any required fingerprint-based checks to be taken on the premises of the facility.....
- f) If the results of a resident's criminal history background check reveal that the resident is an identified offender... the facility shall immediately fax the resident's name and criminal history to the Department pursuant to the requirements.

Section 330.720 Admission and Discharge Policies

e) No person shall be admitted to or kept in the facility:

4) Who is an identified offender, unless the assessment requirements of Section 330.715 for new admissions and the requirements of Section 330.725 are met.

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Section 330.725 Identified Offenders

f) If the results of a resident's criminal history background check reveal that the resident is an identified offender as defined in Section 1-114.01 of the Act, the facility shall immediately fax the resident's name and criminal history information to the Department. (Section 2-201.5(c) of the Act)

Section 330.726 Discharge Planning for Identified Offenders

d) A facility that admits or retains an identified offender shall have in place policies and procedures for the discharge of an identified offender for reasons related to the individual's status as an identified offender, including, but not limited to:

- 1) The facility's inability to meet the needs of the resident, based on Section 330.725 of this Part and subsection (a) of this Section;
- 2) The facility's inability to provide the security measures necessary to protect facility residents, staff and visitors; or
- 3) The physical safety of the resident, other residents, the facility staff, or facility visitors.

Section 330.780 Serious Incidents and Accidents

- a) The facility shall notify the Department of any incident or accident which has, or is likely to have significant effect on the health, safety, or welfare of a resident or residents. ...

Section 330.785 Contacting Local Law Enforcement

b) The facility shall immediately contact local law enforcement authorities (e.g., telephoning 911 where available) in the following situations:

- 2) Physical abuse involving physical injury inflicted on a resident by another resident, except in situations where the behavior is associated with dementia or developmental disability;

- c) The facility shall develop and implement a policy concerning local law enforcement notification, including:

- 1) Ensuring the safety of residents in situations requiring local law enforcement notification;

- 2) Contacting local law enforcement in situations involving physical abuse of a resident by another resident;

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- 3) Contacting police, fire, ambulance and rescue services in accordance with recommended procedure;
 - 4) Seeking advice concerning preservation of a potential crime scene;
 - 5) Facility investigation of the situation.
 - d) Facility staff shall be trained in implementing the policy developed pursuant to subsection (c).

Section 330.4240 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)

These regulations are not met, as evidenced by the following:

Marks Sunset Manor failed to follow their plan of correction for the survey of 2/7/11.

During the follow-up survey of 5/24/11, the facility could not produce information to verify compliance with the Imposed Plan of Correction.

Findings include:

1. The E1 (Assistant Administrator) could not provide documentation that the facility policies were reviewed and revised as required. Interview with E1 (Asst Administrator) on 5/24/11 at 10:00am confirmed that no action has been taken to review or revise the facility policies indicated in the Imposed Plan of Correction. E1 indicated the policies were to be sent to an attorney for review and this has not been completed. Telephone interview with Z1 (attorney) at 10:50am on 5/24/11 confirmed working with Marks Sunset Manor but that the facility to date has not provided the materials for review.
2. Interview with E1 on 5/24/11 at 10:00am found that no formal in-service has been conducted with all staff regarding the Imposed Plan of Correction and the areas to be covered including: Criminal background checks, Notification to the Department, Notification to Local Law Enforcement and Admission and Discharge Policies. The lack of formal inservice was confirmed with staff interviews: E2 (aide) at 10:30am and E3 (cook) at 11:30am both indicated that

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CONT. they were told about the survey issues but that a formal inservice was not conducted and policies were not discussed.

3. The E1 (Assistant Administrator) could not provide the required tracking system for all Criminal Background checks as required by the Imposed Plan of Correction. E1 indicated during the 5/24/11 10:00am interview that no tracking system as required by the Imposed Plan of Correction has been designed or put in place.

Repeat B

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