

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

PRINTED: 11/07/2011  
FORM APPROVED  
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>145995</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED  <b>C</b> <b>05/27/2011</b>
NAME OF PROVIDER OR SUPPLIER  <b>RENAISSANCE AT MIDWAY, THE</b>			STREET ADDRESS, CITY, STATE, ZIP CODE <b>4437 SOUTH CICERO CHICAGO, IL 60632</b>		
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F 223	Continued From page 9	F 223			
F9999	<p>FINAL OBSERVATIONS</p> <p>LICENSURE VIOLATIONS</p> <p>300.610a) 300.1210a) 300.3240a) 300.3300c) 300.3300d)</p> <p>Section 300.610 Resident Care Policies</p> <p>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.</p> <p>Section 300.1210 General Requirements for Nursing and Personal Care</p> <p>a) The facility must provide the necessary care and services to attain or maintain the highest practicable physical, mental, and psychological well-being of the resident, in accordance with</p>	F9999			

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F9999	Continued From page 10 each resident's comprehensive assessment and plan of care. Adequate and properly supervised nursing care and personal care shall be provided to each resident to meet the total nursing and personal care needs of the resident.  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)  Section 300.3300 Transfer or Discharge  c) Reasons for Transfer or Discharge 1) A facility may involuntarily transfer or discharge a resident only for one or more of the following reasons: A) for medical reasons. B) for the resident's physical safety. C) for the physical safety of other residents, the facility staff or facility visitors. D) for either late payment or nonpayment for the resident's stay, except as prohibited by Title XVIII and XIX of the Federal Social Security Act. For purposes of this Section, "late payment" means non-receipt of payment after submission of a bill. If payment is not received within 45 days after submission of a bill, the facility may send a notice to the resident and responsible party requesting payment within 30 days. If payment is not received within such 30 days, the facility may thereupon institute transfer or discharge proceedings by sending a notice of transfer or discharge to the resident and responsible party by registered or certified mail. The notice shall state, in addition to the requirements of Section 3-403 of the Act and subsection (e) of this Section,	F9999			

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F9999	<p>Continued From page 11</p> <p>that the responsible party has the right to pay the amount of the bill in full up to the date the transfer or discharge is to be made and then the resident shall have the right to remain in the facility. Such payment shall terminate the transfer or discharge proceedings. This subsection does not apply to those residents whose care is provided under the Illinois Public Aid Code. (B) (Section 3-401 of the Act)</p> <p>d) Involuntary transfer or discharge of a resident from a facility shall be preceded by the discussion required under subsection (j) of this Section and by a minimum written notice of 21 days.</p> <p>These Requirments are not met as evidenced by:</p> <p>Based on observations, record reviews and interviews the facility failed to ensure that 1 resident (R1) in the sample of 6 was free from Mental Abuse when E6 (administrator) refused to allow R1 to enter the facility when returning after hospitalization and further instructed facility staff to throw R1's personal belongings into the garbage. R1 observed his belongings removed from the facility and placed on the facility parking lot.</p> <p>R1 returned to a local hospital emergency room twice before the facility allowed readmission.</p> <p>This failure to allow R1 to return to the nursing home multiple times and removing R1's personal belongings to the parking lot caused R1 mental distress.</p> <p>Findings Include:</p>	F9999			

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F9999	<p>Continued From page 12</p> <p>R1 is a 67 year old male and the physician progress note dated 5/12/11 denotes in part the following:</p> <p>"Pt. (patient) C/O (complains of) numbness in upper R (Right) leg and testicles. Pt. C/O sharp pain above groin and abdomen. Pt. is unhappy with his medical progress and states he is very anxious. Vitals BP (blood pressure) 112/40 P-(pulse) 114 R-(Respiration) 18 Lungs-Rales wheezing.....Assessment of plan Hiatal Hernia."</p> <p>The nurses notes dated 5/17/11-11am, in part denote the following: "C/O pain lower abdomen...states has two nodules that are full of fluid that needs draining also has numbness/soreness in groin area...Contacted MD (medical doctor) regarding pain management. Spoke with MD- send resident to hospital for evaluation of lower abdomen pain groin area. VS B/P-119/92; P-114; T-97.5."</p> <p>R1 was transferred to the emergency room. Z1 (Director of ER) was interviewed on 5/18/11 at 9:48am and stated, "R1 is still here. They (referencing Nursing Home) refused to take him back last night. We have documentation saying no beds are available and refused to take R1 back. We have contacted our Social Service department to help R1."</p> <p>An onsite visit was conducted on 5/18/11, and E1 (Registered Nurse/Restorative) during the entrance conference stated, "I am covering the building, E3 (acting director of nursing) is out, and E6 (administrator) is off today."</p>	F9999			

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F9999	Continued From page 13  E1 was interviewed regarding the discharge, and alleged refusal of R1 by the night nurse on 5/17/11 to allow R1 to return. E1 stated, " R1 was discharged 5/17/11 to hospital complained of lower back pain, I do not know about refusal, I will call the hospital now. In the presence of surveyor, E1 called and spoke to Z4 (identified as supervisor nurse) and requested R1 return to nursing home. E1 after ending call stated, "they are sending R1 back now, I spoke with Z4."  E2 (Admission Director) was interviewed on 5/18/11 regarding the failure to accept R1's return to the nursing home and stated, "Z5 (hospital social service case manager) called and asked me why on 5/17/11 R1 couldn't come back. I gave the call to E3 (risk manager)."  E1 returned to surveyor on 5/18/11-3:00pm after prompting regarding if R1 had returned and stated, "the hospital was working on a shelter for R1, and they just sent R1 there. R1 is not coming back."  Z1 was interviewed on 5/19/11 and stated, "The person E1 who spoke to me on 5/18/11 and told me to send R1 back, later after R1 was enroute called and left a message on my voicemail and told me not to send R1 back. E1 said her administrator said no. Then R1 was returned, R1 was upset, and later that evening called and asked us to return R1."  E1 on 5/19/11 was interviewed regarding Z1's statement that R1 was returned to nursing home, and refused admission again. E1 stated, "Oh, yes, R1 came back in building with 2 paramedics	F9999			

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F9999	<p>Continued From page 14 the afternoon. I saw R1 in lobby, E3 took over, I do not know what happened."</p> <p>Below outlines in part the documentation of the hospital and ambulance company provided by Z1 that sequence the events of R1 returning to the nursing home and the refusal to accept:</p> <p>ER Documentation 5/17-5/18/2011:</p> <p>5/17/11-17:15 hours-NH (nursing home called to give report. Per E7 (nurse), zero bed available anymore.</p> <p>1840 hour -Z6 (Emergency Room Doctor) spoke with Risk management, here talked to E7 at nursing home, discussed this is against the law- Awaiting call back.</p> <p>1916 hour- awaiting CB (call back) from RN supervisor at NH (Nursing home).</p> <p>2010 hour -NH contacted and notified that pt. is returning.</p> <p>2115 hour-per ambulance company, NH refused to accept pt. Pt. returned to ED (Emergency Department). Called NH , Nurse busy having lunch will return call.</p> <p>2155 hour-Z7 at IDPH spoke with E7 and was given reassurance that hospital would be contacted for transfer back to NH.</p> <p>2310 hour- Pt. becoming visibly upset.....Pt request to obtain a few personal important items from NH. Called NH for requests and placed on hold, repeatedly spoke with E8 (operator) who</p>	F9999			

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F9999	<p>Continued From page 15</p> <p>states," I don't know what's going on, why they keep hanging up. CPD (Chicago Police Dept) called.</p> <p>2315 hour-Pt escorted to NH per Z8 (Officer-beat 1052)... NH would not allow pt. to enter the nursing home. Nursing Supervisor (E7) pt. has been discharged...pt. not allowed to obtain any personal effects. Per Z8 pt. requested to speak with E7 and E7 refused to speak with pt.</p> <p>2350 hour-Z9 (ER/Nurse) - spoke with E9 who states pt. discharged...asked about proper notification/procedure and E9 stated, "I'm not going into no details about this. That's all I know so he can't come here." Attempted to ask about personal belongings and the phone was hung up on me. Called back and repeatedly placed on hold with no response.</p> <p>5/18/2011-</p> <p>0005 hour- pt. upset...pt to remain in ED until proper placement can be obtained.</p> <p>1622 hour-.ambulance called stating they are refusing pt. pt. not to be accepted. pt to return ....hospital.</p> <p>1745 hour- pt. arrived back post sent to nursing home. Spoke with E3 who told to send back to nursing home.</p> <p>1750 hour- pt sent back to ...nursing home per Risk management.</p> <p>Ambulance Report-5/18/11-</p>	F9999			

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F9999	<p>Continued From page 16</p> <p>...walked in with pt. on our stretcher, staff looked at us, shook their heads, and went into the backroom.....A lady at the nursing home named (E1) asked to speak to me in a backroom. E1 (RN restorative) introduced me to E3 (Director of Nursing). E1 and E3 told me spoke to hospital-not accepting pt. back. I (ambulance driver/Z10) called ...ER pt. RN and was informed nursing home had accepted....Medical control contacted...told to bring pt. back ....ER. Then a guy (E6) came up to me (Z10), As I was sitting doing my report, asked how I was doing. I stated, I am upset, and E6 said I really don't care, you need to get out of the lobby and leave now. E6 then instructed E10, to throw pt. stuff out 7 boxes of his personal items. Police called due to E6 threatening me and throwing pt stuff out in the garbage. Our pt is distraught and worried. Officers Z2 and Z3 arrived and told them they could not throw his stuff in garbage. E3 stated, "she would take care of it." Police asked E3 who she was, and she stated, "I'm the DON (director of nursing)." When police asked why pt. couldn't stay there. E3 said, "....been here since 2008, uses drugs and alcohol, no medical reason. I told E3 and Z2 and Z3 pt going back to ...ER. As soon as we arrived in ER charge nurse told us we can take pt. back.....we did a total of 3 transports.</p> <p>On 5/19/11 at 11:00am R1 was observed in room seated in a wheelchair and stated, "they did me wrong, wouldn't let me come back, twice, kicked me out, sent me back to the ER. R1 was asked, who would not let you come back and stated, "E3, E6 and E2. I had to lay on the cart for 2 days in the Emergency Room, didn't get my medicine-then they took me back last night."</p>	F9999			



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F9999	<p>Continued From page 17</p> <p>Client observed shaking, uncontrollably crying, face redden. E4 (R1's nurse) contacted, after prompting, Vital Signs taken of R1 revealed increase Pulse -of 102; B/P-138/90. E4 stated, "R1 was upset, just thinking about what has happened over past 2 days, that's what he told me."</p> <p>On 5/23/11 at 5:48pm Z2 and Z3 (Police Officers) were interviewed and stated, "responded to a call that the ambulance driver was assaulted by a staff; felt threatened, and they backed off when we got there. It was about the nursing home refusing to take a patient in also. Guy named (E6) said he was in charge and an Asian lady. The guy was asking for his personal items. They had put them outside on the parking lot. It was getting ready to rain, we couldn't make them take back the patient, but we asked them to bring his personal items back in and they, E6 and the Asian lady said they would. I will testify to my statements."</p> <p>The facility failed to follow their abuse policy that in part depicts deprivation by an individual of goods or services that are necessary to attain and/or maintain mental and psychosocial well-being. In addition, the mental abuse denotes threats of deprivation.</p> <p>(A)</p>	F9999			