

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

PRINTED: 05/04/2012
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 145311	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED C 11/15/2011
NAME OF PROVIDER OR SUPPLIER HILLCREST NURSING & REHAB CTR			STREET ADDRESS, CITY, STATE, ZIP CODE 777 DRAPER JOLIET, IL 60432		
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F 323	Continued From page 53 waiting for cigarettes. With in a few minutes there were approximately 40 plus residents in wheel chairs or standing. Residents were coming from the second and third floors. These residents were either smoking or waiting for cigarettes. During the observation, residents were observed to be yelling at R 18 who was yelling and swearing at others residents. A psych tech came to address R 18. R 52 was upset and asking for help because she reported R8 had stolen \$0.50 from her. E10 at that time was the only staff in the day room and could not assist this resident. Residents were noted to put out cigarettes in paper cups. flick ashes on the tables. walk down hall way with lit cigarettes. Some residents were observed to sit while others are standing, multiple wheelchairs fill the room. E10 appeared to have difficulty to keep track of all the residents and the behaviors. The small day room was observed to have thick smoke in the air. There was no ventilation or windows open to help remove the smoke. During an interview with E10, she states she is usually the only one with the residents for the morning smoke periods. She was having a difficult time inhaling the smoke herself. E10 states sometimes the Psych Tech comes to help her. The Psych Tech was noted to come about 12:30pm during this observation. The facility has identified 30 residents who are unsafe smokers and these resident require extra supervision.	F 323			
F9999	FINAL OBSERVATIONS LICENSURE VIOLATIONS LICENSURE VIOLATIONS	F9999			

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F9999	Continued From page 54 300.610a) 300.625l) 300.625n) 300.625p) 300.1210b) 300.3240a) 300.3240f) Section 300.610 Resident Care Policies 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. Section 300.625 Identified Offenders j) Upon admission of an identified offender to a facility or a decision to retain an identified offender in a facility, the facility, in consultation with the medical director and law enforcement, shall specifically address the resident's needs in an individualized plan of care. k) The facility shall incorporate the Identified Offender Report and Recommendation into the identified offender's care plan. (Section 2-201.6(f))	F9999			

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F9999	Continued From page 55 of the Act) l) If the identified offender is a convicted (see 730 ILCS 150/2) or registered (see 730 ILCS 150/3) sex offender or if the Identified Offender Report and Recommendation prepared pursuant to Section 2-201.6(a) of the Act reveals that the identified offender poses a significant risk of harm to others within the facility, the offender shall be required to have his or her own room within the facility subject to the rights of married residents under Section 2-108(e) of the Act. (Section 2-201.6(d) of the Act) n) The facility shall evaluate care plans at least quarterly for identified offenders for appropriateness and effectiveness of the portions specific to the identified offense and shall document such review. The facility shall modify the care plan if necessary in response to this evaluation. The facility remains responsible for continuously evaluating the identified offender and for making any changes in the care plan that are necessary to ensure the safety of residents. o) Incident reports shall be submitted to the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation in compliance with Section 300.690 of this Part. The facility shall review its placement determination of identified offenders based on incident reports involving the identified offender. In incident reports involving identified offenders, the facility shall identify whether the incident involves substance abuse, aggressive behavior, or inappropriate sexual behavior, as well as any other behavior or activity that would be reasonably likely to cause harm to the identified	F9999			

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F9999	<p>Continued From page 56</p> <p>offender or others. If the facility cannot protect the other residents from misconduct by the identified offender, then the facility shall transfer or discharge the identified offender in accordance with Section 300.3300 of this Part.</p> <p>p) The facility shall notify the appropriate local law enforcement agency, the Illinois Prisoner Review Board, or the Department of Corrections of the incident and whether it involved substance abuse, aggressive behavior, or inappropriate sexual behavior that would necessitate relocation of that resident.</p> <p>Section 300.1210 General Requirements for Nursing and Personal Care</p> <p>b) The facility shall 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 each resident's comprehensive resident care plan. 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.</p> <p>Section 300.3240 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>f) Resident as perpetrator of abuse. When an investigation of a report of suspected abuse of a resident indicates, based upon credible evidence, that another resident of the long-term care facility is the perpetrator of the abuse, that resident's</p>	F9999			

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F9999	<p>Continued From page 57</p> <p>condition shall be immediately evaluated to determine the most suitable therapy and placement for the resident, considering the safety of that resident as well as the safety of other residents and employees of the facility. (Section 3-612 of the Act)</p> <p>These Regulations were not met as evidenced by:</p> <p>Based on record review and interview the facility failed to prevent 23 residents from sexual, physical, verbal and/or mental abuse by a high risk identified offender (R155) while in facility between 5/13/11 and 10/8/11. R155 had a known history of aggressive, violent and sexually inappropriate behaviors towards residents and staff while in facility. This failure resulted in the sexual, physical, verbal and/or mental abuse to 4 of 24 sampled residents (R12, R19, R20 and R22) and 19 supplemental residents (R33, R84, R156, R96, R121, R123, R42, R127, R101, R146, R32, R80, R143, R122, R154, R28, R61, R140 and R49).</p> <p>In addition, facility failed to:</p> <ul style="list-style-type: none"> - assure residents who are identified as high risk identified offenders (IO) are provided supervision as required and documented on Criminal History Analysis Report (CHAR), for 2 of 2 sampled High Risk IO's (R7 and R8) and one supplemental High Risk IO resident (R155). - provide adequate and increased supervision of residents identified with history of current and past violent and/or aggressive behaviors, example in 2 of 24 sampled residents (R1 and R8) and 1 supplemental resident (R155). - Implement facility policies in regards to 	F9999			

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F9999	<p>Continued From page 58</p> <p>aggressive behaviors and following through with behavior contract consequences as documented for 1 of 3 High Risk IO's evaluated in facility (R155)</p> <ul style="list-style-type: none"> - set up a structure which protects individuals from mistreatment, intimidation and abuse. - assess IO status and risk levels on admission as a means of developing an individual plan of care for residents with potential aggressive behaviors. <p>Findings include:</p> <p>1) R155 is a 26 year old male resident admitted to facility 5/13/11 with diagnosis including Bipolar disorder and Attention Deficit Hyperactivity Disorder (ADHD). R155's 5/11/11 psychiatric evaluation from transferring hospital includes:</p> <p>Resident was transferred from Wood Glen nursing home to the hospital due to aggressive and threatening behaviors toward other residents and staff. Resident with acute exacerbation, chronic psychiatric disorder and non-compliant with medications. Reason for admission to hospital included violent, destructive threats, gestures or behaviors. Resident requires admission to a locked psychiatric unit with individual, group and milieu therapy. R155's 7/08/11 Criminal History Analysis Report (CHAR), assessed resident as a HIGH RISK Identified Offender. R155 was hospitalized twice in May 2011 for aggressive behaviors and agitation, prior to admission to facility on 5/13/11.</p> <p>Resident with acute exacerbation, chronic psychiatric disorder and non-compliant with medications.</p> <p>Reason for admission to hospital included violent,</p>	F9999			

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F9999	<p>Continued From page 59</p> <p>destructive threats, gestures or behaviors. Resident requires admission to a locked psychiatric unit with individual, group and milieu therapy.</p> <p>R155's 02/16/11 PAS/MH screening includes summary of services required: Aggression / Anger management.</p> <p>5/13/11 psycho-social assessment includes: Resident was living on the streets / homeless and was hospitalized due to inability to control his anger. History of stealing money from his mother (guardian). Resident has been in and out of nursing homes since age 12 years old, diagnosed with Attention Deficit Disorder in Kindergarten. History of substance abuse since a young child. Resident admits to having both visual and auditory hallucinations, inability to concentrate and control his anger.</p> <p>5/17/11, 7/01/11, 8/12/11 and 10/07/11 Aggression Risk Assessments scored R155 as a moderate risk. These aggression assessments summarized: - 5/17/11 - R155 with history of violent behaviors, restlessness, mental status changes, victim of abuse, poor impulse control, anger irritable, hostile and suspicious. Recently making threats toward others and has the physical ability to do harm. - 7/01/11 - R155 is very defensive and becomes very irritable when questioned. Can be impulsive, However if someone can intervene or address his anger prior to behaviors the resident is the redirectable. In the cases the resident becomes aggressive, he is first verbally aggressive un-less co-residents</p>	F9999			

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F9999	<p>Continued From page 60</p> <p>provoked him or became physically aggressive with him.</p> <ul style="list-style-type: none"> - 8/12/11 - can become verbally aggressive when approached by staff to discuss behaviors with co-residents and does not always manage his anger appropriately. - 10/07/11 - Can be agitated and aggressive, often poor boundaries. Triggered and escalates rather quickly. Needs staff assistance for re-direction and de-escalations. <p>All of these Aggression risk assessments concluded R155 [does not require special safety considerations outside the facility's standard protocols.]</p> <p>R155 6/13/11 criminal background results identified R155 as an Identified Offender.</p> <p>Facilities Identified Offender (IO) risk assessments do not conclude or summarize the risk levels.</p> <p>R155's 6/15/11 IO risk assessment includes:</p> <ul style="list-style-type: none"> B.) resident is socially inappropriate with residents and staff and can be difficult to re-direct. The resident has been involved in a physical altercation with a co-resident and has been involved in several verbal altercations with peers. The resident has loose boundaries which impacts his social interactions. D.) does not require to be segregated from the general resident population. E.) No special direction for supervision to assure safety of others. F.) Recommendations included to monitor for mood / behavior/ mental status changes, monitor medication compliance and encourage participation in treatment program. 	F9999			

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F9999	Continued From page 61 R155's 7/08/11 Criminal History Analysis Report (CHAR), assessed resident as a HIGH RISK Identified Offender. R155 was hospitalized twice in May 2011 for aggressive behaviors and agitation. Resident can become frustrated and agitated quickly. He should be closely monitored for behavioral or symptom changes. "This resident requires a single room in close proximity to the nursing station to permit ongoing visual monitoring. The level of observation should be sufficient for early detection of behavioral changes. Regular assessments is necessary to determine whether closer monitoring or more frequent individual contact is indicated." R155 was admitted 5/13/11 into room 304-1 with a roommate (R158) and remained with this roommate until 6/21/11. On 6/21/11 R155 was placed into room 324-2 with a roommate (R127) and remained with this roommate until 10/08/11 discharge from facility. R155 was never in a single room while residing at facility. R155's care plans include : 1) 5/19, 5/26, 6/10, 8/08, 8/09, 8/25, 9/13, 10/08/11 - Moderate Risk for Abuse, Neglect and Aggression. Manifested by - violent behaviors, disruptive behavior, mood swings. Easily distracted at times, is unable to manage anger without staff support and re-direction. Resident is verbally abusive and confrontational at times toward peers. - Need to monitor for changes in mood / behaviors. Encourage to attend groups / activities as tolerated. 2) 7/19 and 8/8/11 potential to engage in socially	F9999			

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F9999	<p>Continued From page 62</p> <p>inappropriate behaviors related to diagnosis of Bipolar disorder and ADHD. Resident is often playful and socially inappropriate with peers and staff.</p> <p>Manifested by - disruptive behaviors, mood swings, pushes residents in wheel chairs / pokes residents when not authorized to do so. Use of profanity, yelling, screaming, confrontational with peers and staff.</p> <p>- refer to psych/social as needed (PRN) and re-direct and monitor, attempt to engage in behavior contracting as appropriate.</p> <p>8/19/11 added behaviors of intimidation, verbally threatening, poor boundaries, inappropriate sexual comments and gesture behaviors, physical aggression and history of altercations with peers.</p> <p>3) 8/08/11 Potential for negative interactions with peers demonstrated by physical aggression.</p> <p>4) 8/08/11 not motivated to change, admits to use of unauthorized substances and inconsistent with group attendance.</p> <p>5) 5/19 and 8/8/11 Poor awareness of mental health illness. Exhibits poor symptom and diagnosis awareness. Mood swings, disruptive behaviors, presents with increased agitation at times and is unable to manage anger without staff support and re-direction. Displays impulsive behaviors.</p> <p>- Need to monitor for changes in mood / behaviors. Encourage to attend groups / activities as tolerated.</p> <p>6) 8/9 and 8/19/11 exhibits verbal aggressive behaviors, disruptive behaviors, non-compliance with assessments, irritable, not engaging in residential activities and confrontational with co-residents and staff.</p> <p>7) 8/01, 8/08 and 8/19/11 Will be discharged to a</p>	F9999			

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F9999	<p>Continued From page 63</p> <p>different facility once alternate placement found related to residents behaviors, aggression and substance abuse use.</p> <p>8) 8/19/11 un-safe smoking in facility.</p> <p>R155's nursing notes, incident reports and social service / psycho-social service notes 5/16 - 10/07/11 include multiple incidents of violent, aggressive, sexually inappropriate, intimidating and/or inappropriate behavioral incidents with co-residents and/or staff members (5/16, 5/17 (X 2), 5/21 (X 2), 5/23, 5/24, 5/25, 5/27 (requiring hospitalization), 6/03, 6/06, 6/07, 6/11, 6/12 (X 2), 6/13, 6/15, 6/16, 6/23, 6/24, 7/04, 7/15, 8/01, 8/03, 8/08, 8/17, 8/18, 9/12, 9/13, 9/19, 9/20, 9/26 (X 2) and required staff to perform Crisis Prevention Intervention - CPI, using a transport hold on R155 but not sent to hospital), 9/28 and 10/07/11.</p> <p>R155 was only sent out to the hospital once between 5/13 and 10/07/11 related to behavioral incidents (5/27/11).</p> <p>R155 has been given six different Behavior contracts :</p> <p>5/17/11 (regarding bartering and asking peers for money, demonstrating socially inappropriate behaviors toward peers, refraining from substance abuse use, inappropriate touching of peers and staff in any way, putting shaving creme on residents, making verbally inappropriate statements to staff and peers. Agreeing to attend substance abuse groups three times a week and weekly anger management groups.)</p> <p>5/21/11 (To verbally and physically avoid a co-resident due to 2 separate altercations with that peer (R41) and to focus on his treatment</p>	F9999			

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F9999	<p>Continued From page 64 plan.</p> <p>5/23/11 agree to demonstrate appropriate boundaries with peers and staff to ensure his and peer safety. To refrain from engaging in behaviors that interfere with his care.</p> <p>6/16/11 to follow facility policies with regard to bartering and asking residents for money and to not demonstrate socially inappropriate behaviors toward peers.</p> <p>6/21/11 refrain from any substance abuse use, attendance in facility sobriety groups, acceptance of periodic drug and alcohol testing upon return from outside passes</p> <p>7/15/11 (5 of the 6 items stated in the 5/17/11 behavior contract as listed above.)</p> <p>All of R155's six Behavior contracts concluded by stating the resident's violating this contract may subject the resident to further consequences, including immediate involuntary discharge from facility as deemed appropriate by facility mental health care team.</p> <p>R155's 5/18/11 Skill Level of Functioning (SLOF), assessment summary includes should work toward developing a sense of awareness of his mental illness in addition to anger management and resident should maintain sobriety.</p> <p>R155's medical records and group program documentation only included "Substance Abuse" group. There was no documentation of his attendance/participation and response to programing for anger management or awareness of mental illness.</p> <p>R155's 5/17/11 psycho-social assessment and social service progress notes record past and</p>	F9999			

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F9999	<p>Continued From page 65</p> <p>current use of illicit drugs (marijuana, cocaine and heroin), as well as alcohol. R155 signed Behavior Contracts 5/17, 6/21 and 7/15/11 that included refraining from drug and alcohol use. The Behavior contracts listed possible consequence including involuntary discharge for violation of contract. Social service notes 6/20, 7/11, 7/14 and 9/21/11 all document behavioral incidents related to drug use while residing at facility. R155's substance abuse group participation attendance record only documents his attendance between 5/13/11 admission and 10/08/11 discharge to 13 group meetings. His behavior contracts included requirements to attend 3 times a week.</p> <p>In addition, R155's 6/16, 7/14 and 8/25/11 Psychotropic progress notes, completed by his psychiatrist, include that R155 is calm, cooperative and no abnormal behaviors. There is no evidence documented other than on 5/27/11, that R155's physicians were aware of his continued non-compliance, violent/aggressive behaviors, socially inappropriate and intimidating/threatening behaviors to co-residents and staff.</p> <p>R155 was issued a 30 day involuntary discharge notice on 7/13/11 related to his being identified as a HIGH risk IO and a hearing was held with public health related to this notice on 7/22/11. At the 7/22/11 involuntary discharge hearing, a decision was made to go ahead with R155's discharge from facility. R155 was still present in facility until 10/08/11.</p> <p>During individual interviews E1 (Administrator) and E5 (PRSD), they stated R155's discharge</p>	F9999			

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F9999	<p>Continued From page 66</p> <p>was delayed due to inability to find alternate placement.</p> <p>On 10/07/11 R155's was accused of sexually abusing a male co-resident and was placed on 1:1 supervision up till Immediate involuntary discharge 10/08/11 at 1:30AM.</p> <p>Review of facility's final investigation dated 10/28/11 into R33's initial allegation of being sexually and physically abused by R155 on 10/7/11, led the facility to substantiate R155 had sexually, physically, verbally and/or mentally abused 23 residents over a five month period: 5/13/11 (admission) through 10/8/11 (R155's immediate involuntary discharge date).</p> <p>Admitting Minimum Data Set assessment (MDS) dated 9/4/11 shows R33 is 33 years old, alert and oriented male with diagnosis including cerebral palsy, schizophrenia, grand mal seizure and fecal and urine incontinence. R33 requires extensive assistance with his activities of daily living (ADL's).</p> <p>Review of a facility Interview form dated 10/13/11 in which Z3 (police detective) interviewed R33 states R155 "whipped out his penis and waived it at me. (R155) told (R96) to shut the door, (R96) didn't. (R155) raped me. (R155) had my arms held down with his knees. He bit my earlobes and was jerking his penis up and down. I told him to stop. He said if I told anyone he would do it again. He told (R96) if he told he'd kick him in the nuts. I was all ready for bed in my gown, underwear and socks. He removed my gown. I had white stuff all over so I crawled to the bathroom. That is rape."</p>	F9999			

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F9999	<p>Continued From page 67</p> <p>During a 10/27/11 10:00AM Interview at the hospital, R33 stated (R155) "made me have sex with him. He penetrated me. I didn't want to have sex with him. ... (R155) would bite my ear, grind up against me, pinch my chest. ... I was too afraid to tell anyone. (R155) said if I tell anyone he would do it again. I have to go to a psychiatric hospital from here because I'm feeling suicidal because of being raped."</p> <p>The following resident interviews obtained by the facility and surveyors validate the multiple allegations of abuse by R155 against Rs 84, 156, 96, 121, 12, 123, 19, 42, 127, 101, 146, 32, 80, 143, 122, 20, 154, 28, 61, 22, 140 and 49.</p> <p>R84 Facility interview dated 10/9/11 states R84 told staff R155 "used to beat me up. (R155) punched him, slapped him." R84 stated R155 "did crack, cocaine and weed. Everyone was afraid of him." R84 said he had "scared, bottled up fear. (R155) wouldn't leave me alone. He would bother me more. "</p> <p>During interview on 10/26/11 at 11:55am, R84 said R155 was pretty mean and threw stuff at R84. R84 said R155 exposed himself to a lot of other people including R84, in his room, at night. R155 threatened to harm or kill me if I told. R84 said R155 would do drugs in the facility.</p> <p>E1 (Administrator) stated on 10/28/11 at 4:30pm they had recently become aware of new allegations of abuse by R155. Per E1, while attempting to identify the owner of an abandoned cell phone on 10/28/11, E1 and E2 observed naked photos of two current residents (R84 and R 127).</p>	F9999			

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F9999	<p>Continued From page 68</p> <p>Review of facility's final report into this new allegation of abuse dated 10/28/11 includes an interview with R84 in which he states, "A couple of nights before (R155) left, he came into my room in the middle of the night and forced himself on me. ... I was sleeping . He took my clothes off. He forced himself on me. He made me get on all fours and put his penis in my ass and he did me like a dog.. He came inside of me. ... He (R155) told me (R84) he would come back with a gun if I told."</p> <p>R84 was interviewed a second time by surveyors as a result of the above incident. On 10/28/11 at 5:45 pm R84 stated several months ago R155 opened the bathroom door and forced R84 "to get in that position and if I didn't he would beat the crap out of me or kill me. (R155) raped me. I didn't even scream for help because I was scared. (R155) closed the door. I was using his bathroom. He raped me before in his bathroom. I told him to stop and don't do that, get away."</p> <p>Review of assessment mood and cognition dated 10/10/11 states R84 is 25 years old, alert and oriented to all spheres. Abuse/Neglect Risk Assessment dated 10/10/11 shows R84 is at moderate risk for abuse/neglect. Narrative on this assessment states R84 reports a history of being a victim of bullying which emotionally impacted R84, and R84 is passive and withdrawn. Review of Minimum Data Set dated 7/28/11 shows R84 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R84's diagnosis include Schizophrenia, manic depression, hip replacement, optic nerve hypoplasia and hypopituitarism.</p>	F9999			

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F9999	<p>Continued From page 69</p> <p>R156's Nurses note dated 10/11/11 states after having smoked SHAZAM (synthetic marijuana) with R155 in his room approximately one week ago, R156 fell asleep on 155's bed. When she woke up her clothes were off and R155 was on top of her having sex.</p> <p>During interview with E5 (psychosocial director) on 10/22/11 at 5:20pm, E5 stated R156 reported to staff R155 had sex with her without her consent. R156 refused to go the hospital, saying the incident happened weeks ago. R156 did make a police report on (10/10/11) confirming the above nurse's note. R156 signed out of the facility AMA (against medical advise) on 10/15/11.</p> <p>Facility interview dated 10/9/11 states R155 exhibited inappropriate behavior in R155's room. R137, R33, R101 and R156 were present when R155 pulled out his penis and rubbed it on R101's back and put it in people's faces. R101 and R33 told him to stop, he would not and then they left. R156 stated R155 would bite R33 on the ear.</p> <p>Review of mood and cognition assessment dated 10/11/11 states R156 is 32 years old and is alert and oriented to all spheres. Review of Minimum Data Set dated 9/18/11 shows R156 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R156's diagnosis include Manic Depression.</p> <p>R96's Facility interview dated 10/7/11: R155 grabbed, twisted, squeezed his penis and twisted his tit and choked him. R155 was making (R33) call him "big daddy." It looked painful. A second facility interview dated 10/9/11 states R155</p>	F9999			

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F9999	<p>Continued From page 70</p> <p>"whipped out his penis with (other residents present) R155 intimidated everyone, he stole from everyone. Everyone was scared."</p> <p>R96 stated on 10/26/11 at 3:22 pm R155 would joke around, he bit me on my thumb, arm and neck. R155 had filed his teeth to points. He grabbed and twisted my dick. I know he would go in other resident's rooms and threaten to break their arm unless they gave him money.</p> <p>Review of mood and cognition assessment dated 10/11/11 states R96 is 27 years old and is alert and oriented to all spheres. Review of Minimum Data Set dated 8/16/11 shows R96 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R96's diagnosis includes Schizophrenia and alcohol abuse.</p> <p>R121's facility interview was dated 10/9/11. R155 would come into R121's room while sleeping and pull his blanket off, pull his pants down and touch R121. R121 would fight R155 and R155 would hit him with his keys and chain and tell him to stop fighting him. "I hate him. I couldn't do anything about it or he would beat me more. I would fight back but he's too strong. ... Everybody feels defenseless. That key is bad, he swings it and it hurts." R121 stated he was too scared to tell anyone and was hoping R155 would get arrested.</p> <p>R121 stated on 10/26/11 at 2:00 pm that R155 would come in to his room at night and try to pull his pants off. R121 stated he tried to get along with R155. R155 would swing his keys and hit R121 with them. R121 said he was able to keep R155 from taking his pants off.</p>	F9999			

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F9999	Continued From page 71 Review of R121's assessment mood and cognition dated 10/10/11 states R121 is 52 years old, alert and oriented to all spheres. Review of Minimum Data Set dated 8/17/11 shows R121 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R121's diagnosis include Schizophrenia, seizure disorder and depression. R12's Facility interview dated 10/9/11 stated "I know (R155) makes funny gestures. He went and peed on my lap. Pee came out on my lapHe was throwing stuff, twisting my chest. " During interview on 10/26/11 at 11:45 am, R12 stated (R155) "unzipped his pants and peed on me. I tried to hold up a pillow to keep it off me. He muscles over everyone. I told a psych tech and was asked if I wanted to talk to the police. He would go in people's rooms, threaten, hit and take cigarettes." Review of Abuse/Neglect Assessment dated 8/15/11 states R12 is low risk for abuse/neglect. Review of mood and cognition assessment dated 10/10/11 states R12 did not come forward about the above incident because R12 was afraid of what R155 would do to him. It also shows that R12 is alert and oriented to all spheres and is 41 years old. Review of Minimum Data Set dated 8/14/11 shows R12 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R12's diagnosis include multiple open wounds, seizure disorder, Schizophrenia and right lower leg deformity. R123's facility interview dated 10/11/11 stated	F9999			

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F9999	<p>Continued From page 72</p> <p>when he (R123) would be in his room talking to his girlfriend, R155 would come in and start kissing R123 on his face. R155 would wrap his arms around R123 to pull him close. R123 told him to stop. It would happen two or three times. He'd throw his keys.</p> <p>On 10/26/11 at 12:55 pm, R123 stated R155 would pinch him anywhere. Sometimes in the elevator. R123 said he told staff and staff would tell R155 to stop but then he would start up again. R123 said he saw inappropriate things happen to others: touching butts, private parts. R123 said he wanted to kick his ass but that then he (R123) would be the one kicked out of the facility.</p> <p>Review of mood and cognition assessment dated 10/11/11 states R123 is 53 years old and is alert and oriented to all spheres. Review of Minimum Data Set dated 9/27/11 shows R123 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R123's diagnosis include Schizophrenia, Parkinson's, seizure disorder and Manic Depression.</p> <p>R19's facility interview dated 10/10/11 states R155 tried to kiss R19 twice. It made R19 feel helpless. On 10/26/11 at 12:20 pm R19 stated R155 "had no body boundaries. (R155) was always like that. He pinned me down two times. Once in the elevator, I was in my wheelchair. I can't get up. One time he wheeled me in my room and on my bed he started pawing me. I told a psych tech and a report was made. (R155) could not stay off SHAZAM. A lot of people smoke that here. (R155) was up all night because there is less staff."</p>	F9999			

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F9999	<p>Continued From page 73</p> <p>Review of abuse/neglect risk assessment dated 9/27/11 scores R19 as low risk for abuse. Review of mood and cognition assessment dated 10/11/11 states R19 is 42 years old and is alert and oriented to all spheres. Review of Minimum Data Set dated 9/18/11 shows R19 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R19's diagnosis include Manic Depression, degenerative lumbar and alcohol abuse.</p> <p>R42's facility interview dated 10/11/11 states R155 put his arm around R42 and touched her breasts. R155 would shake his dick around inside his pants-like a sexual gestureR155 would pinch guys' tits.</p> <p>On 10/26/11 at 12:28pm R42 stated every time R155 hugged her from behind in her wheelchair he would reach around and touch her breasts. R42 stated she did not tell staff because they did not do anything except tell him to stop. R42 said R155 had filed his teeth to points and tried to bite another resident. R42 stated she did not feel safe (while R155) was in the building. R42 said R155 bragged he had been kicked out of 10 nursing homes.</p> <p>Review of mood and cognition assessment dated 10/11/11 states R42 is 54 years old and is alert and oriented to all spheres. Review of Minimum Data Set dated 9/28/11 shows R42 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R42's diagnosis includes Manic Depression and chronic compression fracture.</p> <p>R127's facility interview dated 10/9/11 states</p>	F9999			

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F9999	<p>Continued From page 74</p> <p>R127 said R155 would hit people in the chest, playing around. R127 said he saw R155 grab R12's and R96's private parts.</p> <p>During interview on 10/26/11 at 3:50pm R127 stated R155 was his roommate for several months. (From 6/21/11 through 10/8/11, per review of medical record). R127 said R155 would hit people with his keys and grabbed other residents' genitals. R155 also exposed himself and rubbed his penis on them. During a second interview with surveyors on 10/28/11 (after nude photos of R127 were observed on an unclaimed cell phone) at 6:00pm, R127 stated R155 had taken a photograph of R127 while he was on the toilet. "He (R155) said I was masturbating and I wasn't. There were other people in the room. He started laughing."</p> <p>Review of Abuse/Neglect Assessment dated 10/10/11 states R127 is at moderate risk and can be quiet and withdrawn. Nurses note dated 10/10/11 states R127 history of denial/minimization of psychosocial issues.</p> <p>Review of assessment mood and cognition dated 10/11/11 states R127 is 25 years old and is alert and oriented to all spheres. Review of Minimum Data Set dated 8/23/11 shows R127 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R101's diagnosis include Schizophrenia, depression and psychotic disorder.</p> <p>R101's facility interview dated 10/9/11 states R155 would whip out his penis and make jokes. R155 physically threatened R101 when R101 "took a stand against his behavior." R101 said R155 "did this to everybody who went to that</p>	F9999			

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F9999	<p>Continued From page 75</p> <p>room, his room." R101 stated R155 was a major threat to everyone and does not want R155 in the facility anymore.</p> <p>During interview on 10/26/11 at 12:45 pm, R101 stated R155 would expose himself and touch his penis on people. This would occur at night in resident rooms. The curfew is 10:00 pm but R155 did not care, he (R155) just did what he wanted.</p> <p>Review of assessment mood and cognition dated 10/10/11 states R101 is 41 years old and is alert and oriented to all spheres. Review of Minimum Data Set dated 10/6/11 shows R101 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R101's diagnosis includes Schizophrenia and bipolar disorder.</p> <p>R146's facility interview states R155 would pinch his chest, grab his body and laugh. R146 saw R155 bite R80's neck. He'd bite her to arouse her. She kept telling him to stop. R155 also threw crab apples at people on the patio.</p> <p>Review of mood and cognition assessment dated 10/11/11 states R146 is 23 years old and is alert and oriented to all spheres. Review of Minimum Data Set dated 10/2/11 shows R146 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R146's diagnosis includes Manic Depression, Schizoaffective disorder and aggressive behavior.</p> <p>Other residents alleging statements of abuse against R155 include: R32: Per facility interview R155 "stole \$85.00 off my debit card." R80: Per facility interview R155 would bite her</p>	F9999			

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F9999	<p>Continued From page 76</p> <p>(R80) on her neck.</p> <p>R143: Per facility interview R155 grabbed R153's shoulders and kissed her.</p> <p>R122: Per facility interview R155 slapped his (R155) hand on R122's private part.</p> <p>R20: Per facility interview R155 grabbed R20 and felt her up, touching her breasts.</p> <p>R154: Per facility interview R155 "tweaked breasts."</p> <p>R28: Per facility interview R155 hugged R28 inappropriately.</p> <p>R61: Per facility interview R155 whipped R61 in the butt with his chain.</p> <p>R22: Per facility interview R155 threw objects at head.</p> <p>R140: Per facility interview felt intimidated by R155. R140 wanted to protect roommate from R155.</p> <p>R49: Per facility interview R155 was physically and mentally abusive to R49.</p> <p>Review of Rs 49, 140, 22, 61, 28, 154, 20, 122, 143, 80 and 32 most recent mood and cognition assessments show that all are alert and oriented to all spheres. Review of their most recent Minimum Data Sets show these residents have no cognitive difficulties with memory or daily decision making.</p> <p>2) On 10/19/11 facility provided a list of 22 (IO's) residing in the facility (1 Sex Offender, 2 High Risk, 14 Moderate risk, 5 Low risk and one with pending risk level (per facility provided IO list).</p> <p>Facility's current Identified Offender list included that R7 and R8 are High risk offenders and their criminal history analysis reports (CHAR), included placement in single rooms and the need for room</p>	F9999			

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F9999	<p>Continued From page 77</p> <p>placement in visual control of nursing station and the need for increased supervision. This list also included R6 as a sex offender. As of 10/19/11 R7 and R8 were residing in rooms with roommates. R7 and R8 were both assessed to have violent and aggressive behaviors.</p> <p>R8 was originally admitted to facility 10/13/06. R8 has diagnosis to include Schizo affective disorder. R8 is assessed as a High Risk Identified Offender with history of aggressive and violent behaviors and crimes. R8's CHAR was not completed until 8/13/11 and includes recently physically assaulted a peer and has history of physical violence inside and outside facility. R8 is a high risk for future violent offending despite his low psychopathy. R8 requires placement in a single room.</p> <p>On 6/28/11 R8 became agitated at a resident that shared his bathroom (R102) for taking too long. R8 struck R102, knocking R102 to the ground, lacerating his face and fracturing R102's nasal bone. R8 returned to the facility by himself from the county jail on 7/12/11 and was allowed re-admission. E1 said R8 told her the facility was his home and he wanted to come back. E1 further said R8 was allowed back but was made to sign a behavior contract on 7/12/11.</p> <p>R8 was not in a private room and had a roommate up until re-admission date of 7/12/11.</p> <p>During this survey E1 had all current residents' criminal background checks re-run on 10/26/11. On 11/09/11 E1 stated that five more residents were added to facility's Identified Offender list (R55, R57, R74, R77 and R107). - R55 was admitted to facility 11/29/99 and</p>	F9999			

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F9999	<p>Continued From page 78</p> <p>diagnosis includes Bipolar affective disorder. R55 was not identified as an IO until after receipt of a 10/26/11 criminal background check request. The results include Aggravated assault and criminal trespassing to land. R55's 10/31/11 IO risk assessment scored moderate risk due to history of aggressive behaviors.</p> <ul style="list-style-type: none"> - R57 was admitted to facility 4/28/10 and diagnosis includes Major Depression and alcohol abuse. R57 was not identified as an IO until after receipt of a 10/26/11 criminal background check request. R57's 10/31/11 IO risk assessment scored him as a moderate risk due to history of aggressive behaviors since admission. - R74 was admitted to facility 4/19/01 and has diagnosis including unspecified schizophrenia. R74 was not identified as an IO until after receipt of a 10/26/11 criminal background check request. R74's 10/31/11 IO risk assessment scored R74 as a moderate risk due to history of aggressive behaviors. - R77 was admitted to facility 12/29/09 and diagnosis including Psychosis and alcohol abuse. R77 was not identified as an IO until after receipt of a 10/26/11 criminal background check request. - R107 was admitted to facility 02/04/09 and diagnosis including Psychosis. R107 was not identified as an IO until after receipt of a 10/26/11 criminal background check request. <p>During 10/25/11 interview, E1 (Administrator) and E5 (Psych rehab service director), stated that they did not know why but that facility did not obtain results of R8's 10/24/06 criminal background check until 7/12/11. During a 11/15/11 9:20AM telephone interview, E1 said that she does not know how R55, 57, 74, 77 and 102's criminal background results were missed.</p>	F9999			

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F9999	Continued From page 79 (A) 300.810a) 300.1210b) 300.1210d)6) Section 300.810 General a) Sufficient staff in numbers and qualifications shall be on duty all hours of each day to provide services that meet the total needs of the residents. As a minimum, there shall be at least one staff member awake, dressed, and on duty at all times. Section 300.1210 General Requirements for Nursing and Personal Care b) The facility shall 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 each resident's comprehensive resident care plan. 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. d) The facility shall 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 each resident's comprehensive resident care plan. Adequate and properly supervised nursing care and personal care shall be provided to each	F9999			

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F9999	<p>Continued From page 80</p> <p>resident to meet the total nursing and personal care needs of the resident.</p> <p>6) All necessary precautions shall be taken to assure that the residents' environment remains as free of accident hazards as possible. All nursing personnel shall evaluate residents to see that each resident receives adequate supervision and assistance to prevent accidents</p> <p>These Regulations were not met as evidenced by:</p> <p>Based on observation and interviews facility failed to assure all residents that smoke cigarettes are supervised and only smoke in designated smoking areas and failed to provide and implement a safe smoking program.</p> <p>Findings include:</p> <p>During observation of the facility's third floor dinning room area at 10:30am on October 19 th 2011, six tables were observed to have cigarette ashes on the table tops. No ash trays were observed in the area. While touring the third floor, the east wing rooms 319 - 327, there was a strong odor of cigarette smoke noted in the hallway. Patients that live down that hall said a lot of residents smoke in their room. R25 said the facility knows that residents smoke in their room and those residents are to lose their smoking privileges, but it was not working.</p> <p>At 11:00 a.m. on 10/19/11, three residents R8, R18 and R52 were observed to enter into the third floor day room and begin to start smoking. There was no staff present at this time. No ash trays were available at this time. About five</p>	F9999			

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F9999	<p>Continued From page 81</p> <p>minutes later E10 (CNA) came with her cart and ash trays. A line of residents were noted to be waiting for cigarettes. Within a few minutes there were approximately 40 plus residents in wheel chairs or standing. Residents were coming from the second and third floors. These residents were either smoking or waiting for cigarettes.</p> <p>During the observation, residents were observed to be yelling at R18 who was yelling and swearing at others residents. A psych tech came to address R18. R52 was upset and asking for help because she reported R8 had stolen \$0.50 from her. E10 at that time was the only staff in the day room and could not assist this resident.</p> <p>Residents were noted to put out cigarettes in paper cup,. flick ashes on the tables and walk down hall way with lit cigarettes. Some residents were observed to sit while others are standing, multiple wheelchairs fill the room. E10 appeared to have difficulty keeping track of all the residents and the behaviors.</p> <p>The small day room was observed to have thick smoke in the air. There was no ventilation or windows open to help remove the smoke.</p> <p>During an interview with E10, she stated she is usually the only one with the residents for the morning smoke periods. She was having a difficult time inhaling the smoke herself. E10 states sometimes the Psych Tech comes to help her. The Psych Tech was noted to come about 12:30pm. during this observation. The facility has identified 30 residents who are unsafe smokers and these resident require extra supervision.</p>	F9999			

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F9999	Continued From page 82 (B) 300.1210a) 300.1210b) 300.1210d)2)5) 300.3240a) Section 300.1210 General Requirements for Nursing and Personal Care a) Comprehensive Resident Care Plan. A facility, with the participation of the resident and the resident's guardian or representative, as applicable, must develop and implement a comprehensive care plan for each resident that includes measurable objectives and timetables to meet the resident's medical, nursing, and mental and psychosocial needs that are identified in the resident's comprehensive assessment, which allow the resident to attain or maintain the highest practicable level of independent functioning, and provide for discharge planning to the least restrictive setting based on the resident's care needs. The assessment shall be developed with the active participation of the resident and the resident's guardian or representative, as applicable. (Section 3-202.2a of the Act) b) The facility shall 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 each resident's comprehensive resident care plan. Adequate and properly supervised nursing care and personal care shall be provided to each resident to meet the total nursing and personal	F9999			

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F9999	<p>Continued From page 83 care needs of the resident.</p> <p>d) Pursuant to subsection (a), general nursing care shall include, at a minimum, the following and shall be practiced on a 24-hour, seven-day-a-week basis: 2) All treatments and procedures shall be administered as ordered by the physician. 5) A regular program to prevent and treat pressure sores, heat rashes or other skin breakdown shall be practiced on a 24-hour, seven-day-a-week basis so that a resident who enters the facility without pressure sores does not develop pressure sores unless the individual's clinical condition demonstrates that the pressure sores were unavoidable. A resident having pressure sores shall receive treatment and services to promote healing, prevent infection, and prevent new pressure sores from developing.</p> <p>Section 300.3240 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>These Regulations were not met as evidence by:</p> <p>Based on observation, interview and record review the facility failed to:</p> <ul style="list-style-type: none"> -Comprehensively assess and evaluate the development of R15's facility acquired pressure ulcers. -Develop and implement an individualize preventative skin plan of care for R15 and R11 who were identified as moderate risk for developing pressure ulcer. -Revise and implement relevant goals and 	F9999			

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F9999	<p>Continued From page 84</p> <p>approaches to stabilize or to improve R11's and R15's co-morbidities.</p> <p>-Develop relevant interventions specific to R11's and R15's needs in order to promote healing and prevent worsening of R15 and R11's pressure ulcer on the left heel.</p> <p>-Obtain doctor's order prior to administration of the treatment modalities for R11.</p> <p>These are for two (R15 and R 11) of three residents in the sample identified with pressure ulcers.</p> <p>These failures resulted in (1) R15 developing a Stage II (fluid filled blister) that progressed in the development of necrotic area (Unstageable), then to a Stage IV (with exposed calcaneous) and the development of infection of R15's wound. (2) R11's reddened area on the left heel (Stage I) progressed to unstageable pressure ulcer. These pressure ulcers on R11 and R15 were avoidable pressure ulcers.</p> <p>Findings include:</p> <p>1. Interview with the Director of Nursing (E4) on 10-20-11 at 10:20 AM, E4 stated, R15 developed and acquired a fluid filled blister on the left heel on 04-25-11. E 4 stated this area was just documented as "blister" (StageII) it was not Staged. E2 confirmed the facility had not developed a comprehensive analysis and evaluation, whether this facility acquired pressure ulcer on R15's heel was avoidable or unavoidable. On 10-19-11 the Treatment Nurse (E3) stated "I didn't know I'm supposed to do that (analysis)!"</p>	F9999			

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F9999	<p>Continued From page 85</p> <p>Review of R15's skin care plan showed there is no specific preventive plan of care developed with implementations to promote healing, prevent worsening and to prevent the development of an infection.</p> <p>Review of R15's Pressure Ulcer Risk Assessment (Norton) tool dated 02-14-11 and on 04-27-11 identified R15 as moderate risk for developing pressure ulcer. Review of R15's wound assessment record showed:</p> <p>Type of wound: Blister Location: Left Heel Date Observed: 04-25-11 Acquired (in the facility). Comments: Fluid filled, clear fluid, dark & white colors noted.</p> <p>R15's Doctor's Appointment progress notes/Order Form showed the following:</p> <p>(1) 06-15-11- Left foot ulcer healing well. P.E. (Physical Exam)- left foot heel- ulcer small contracted. Medial arch of wound with superficial wound necrotic tissue- debrided in office. Continue wound vac (vacuum) Follow up in a month</p> <p>(2) 08-24-11- Patient (R15) without complaints P.E. - left foot heel ulcer better. Debrided Necrotic area at superior wound Continue Santyl dressing Follow up in one month</p>	F9999			

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F9999	<p>Continued From page 86</p> <p>(3) 09-28-11 Patient (R15) note pain & foul odor from left heel ulcer. PE- left heel ulcer -necrotic ulcer Debrided wound- exposed calcaneous Stage IV- left heel ulcer Wound vac (vacuum) Antibiotic (Levaquin 500 mg PO once daily) Follow up in a month.</p> <p>Review of the laboratory report showed a wound (left heel) culture was collected on 10-03-11; report was called on 10-07-11, notified staff of ESBL (Extended Spectrum of Beta Lactamase) on R 15's wound.</p> <p>On 10-20-11 at 12:10 PM, E3 stated "he (R15) acquired the left heel ulcer here, started as a fluid filled blister and then it opened up. It progressed to unstageable due to the presence of necrotic tissue. After it burst the doctor debrided it then after a week it become necrotic. The wound had foul odor and had drainage. A culture came out with infection. By then the patient (R15) was already in the hospital due to change of cognition. The wound progressed to Stage IV due to bone exposure. "</p> <p>II. On 10-19-11 at 12:00 PM, R11 was observed in bed lying on back, heels off loaded with a thin pillow, heels still touching the mattress. R11 stated "my left heel hurts!" During treatment observation, E3 identified and described R11 with unstageable pressure ulcer on the left heel measured at 1.5 cm X 2.0 cm. E3 stated "I put skin sealant once a day." No dressing was noted.</p>	F9999			

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F9999	<p>Continued From page 87</p> <p>Review of the most current Physician Order Sheet disclosed there is no doctor order for this treatment E3 applied on R11's ulcer. This finding was confirmed by E3. At 2:00 PM, the Treatment Nurse/E3 stated, "she (R11) was admitted with red area, a non blanching (redness)on the left heel (Stage I)."</p> <p>There was no individualize plan of care to address R11's pressure ulcer on the left heel. There was no comprehensive assessment conducted to promote healing and prevent worsening of R11's pressure ulcer. These findings were confirmed by both E4 and E3 on 10-20-11.</p> <p style="text-align: right;">(B)</p> <p>300.610a) 300.1210a) 300.1210b)3)4) 300.1210c) 300.3240a)</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.</p>	F9999			

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F9999	<p>Continued From page 88</p> <p>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) Comprehensive Resident Care Plan. A facility, with the participation of the resident and the resident's guardian or representative, as applicable, must develop and implement a comprehensive care plan for each resident that includes measurable objectives and timetables to meet the resident's medical, nursing, and mental and psychosocial needs that are identified in the resident's comprehensive assessment, which allow the resident to attain or maintain the highest practicable level of independent functioning, and provide for discharge planning to the least restrictive setting based on the resident's care needs. The assessment shall be developed with the active participation of the resident and the resident's guardian or representative, as applicable. (Section 3-202.2a of the Act)</p> <p>b) The facility shall 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 each resident's comprehensive resident care plan. 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. Restorative measures shall include, at a minimum, the following procedures:</p>	F9999			

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F9999	<p>Continued From page 89</p> <p>3) All nursing personnel shall assist and encourage residents so that a resident who is incontinent of bowel and/or bladder receives the appropriate treatment and services to prevent urinary tract infections and to restore as much normal bladder function as possible. All nursing personnel shall assist residents so that a resident who enters the facility without an indwelling catheter is not catheterized unless the resident's clinical condition demonstrates that catheterization was necessary.</p> <p>4) All nursing personnel shall assist and encourage residents so that a resident's abilities in activities of daily living do not diminish unless circumstances of the individual's clinical condition demonstrate that diminution was unavoidable. This includes the resident's abilities to bathe, dress, and groom; transfer and ambulate; toilet; eat; and use speech, language, or other functional communication systems. A resident who is unable to carry out activities of daily living shall receive the services necessary to maintain good nutrition, grooming, and personal hygiene.</p> <p>c) Each direct care-giving staff shall review and be knowledgeable about his or her residents' respective resident care plan.</p> <p>Section 300.3240 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>These Regulations were not met as evidenced by:</p> <p>Based on observation, interview and record</p>	F9999			

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F9999	<p>Continued From page 90</p> <p>review the facility failed to:</p> <ul style="list-style-type: none"> - Provide appropriate treatment and services to restore or improve R11's bladder functioning -Develop an individualized bowel and bladder program for R11 to enhance R11's quality of life. -Offer alternatives on incontinence containment devices other than the use of an adult disposable incontinence pad that's more appropriate to R11. -Initiate a complete and accurate bowel and bladder assessment for R11. -Develop incontinence plan of care and with appropriate interventions to help improve or maintain R11's current bladder functioning. -Follow the facility bowel and bladder assessment policy and procedure. <p>These failures resulted in emotional and psychosocial harm. R15 stated " I felt embarrassed (with the use of the adult disposable incontinence pad), depressed, felt old and disgusted. "</p> <p>Findings include:</p> <p>On 10-19-11 at 12:15 PM, R11 stated "I can feel the urge to go to the bathroom. When I was admitted they put diaper on me. They didn't give any choices, they didn't asked me if I wanted to or not. At first when they put the diaper on me I thought I'll die of embarrassment. It bothers me for a while (diaper) I'm not that old, it made me depressed, I felt so old and disgusted. I seldom have accidents (incontinence episodes), I can't hold it sometimes. At times waiting for the staff too long, I wet especially at night, that's embarrassing really but, I can't help it I can't take my self to the bathroom, I need someone assisting me, but I can walk."</p>	F9999			

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F9999	Continued From page 91 On 10-19-11 at 2:10 PM, the Restorative Nurse/B&B Coordinator (E7) and the MDS/Care Plan Coordinator (E8) stated "I'm (E7) not certified yet, I'll be in class by Nov 2011. I (E7) started two weeks ago, I really don't know about the facility B&B policy and procedure yet, I have a list of residents on toileting program but I don't know what type of program they're in." R11's Minimum Data Set (MDS) significant change in status assessment dated 09-22-11 was presented by E8 on 10-20-11 at 11:20 AM. MDS Section H0300 Urinary Incontinence showed R11's occasionally incontinent of bladder with less than seven episodes of incontinence. Section V Care Area Assessment (CAA) summary -CAA 06-Urinary incontinence was triggered, and marked as addressed in care plan. There was no bowel and bladder assessment and no incontinence care plan found in R11's clinical records. This finding was confirmed by E8 on 10-19-11 at 2:30 PM. E8 stated, "they (staff) recognized her as incontinent, she (R11) was triggered for toileting but there's no assessment or care plan developed and not in any (toileting) program that I see." On 10-19-11 at 2:32 PM, the Direct Care Staff/CNA (E9) disclosed, "she (R11) is very, very alert and oriented. She can walk with assistance and can walk from bed to bathroom if assisted. She wears diaper because she has episodes of incontinence but knows when she wanted to use the toilet." When asked why R11's wearing diaper, E 9 stated, "She has episode of incontinence."	F9999			

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F9999	<p>Continued From page 92</p> <p>Review of the facility bowel and bladder policy and procedure showed (1) each resident will be assessed for 72 hours for voiding patterns on admission ...and with significant change ...(2) The license nurse will gather information from the chart, the resident's family/representative, staff members, from resident observations and from review and analysis of the 72 hour voiding patterns. These procedures were not followed for R11.</p> <p>Review of R11's plan of care under impairment of skin integrity showed that R11's incontinent of both bowel and bladder.</p> <p>Review of CMS (672) resident census & condition report showed that the facility has no formal bowel & bladder program.</p> <p style="text-align: right;">(B)</p>	F9999			

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F 323	Continued From page 53 waiting for cigarettes. With in a few minutes there were approximately 40 plus residents in wheel chairs or standing. Residents were coming from the second and third floors. These residents were either smoking or waiting for cigarettes. During the observation, residents were observed to be yelling at R 18 who was yelling and swearing at others residents. A psych tech came to address R 18. R 52 was upset and asking for help because she reported R8 had stolen \$0.50 from her. E10 at that time was the only staff in the day room and could not assist this resident. Residents were noted to put out cigarettes in paper cups. flick ashes on the tables. walk down hall way with lit cigarettes. Some residents were observed to sit while others are standing, multiple wheelchairs fill the room. E10 appeared to have difficulty to keep track of all the residents and the behaviors. The small day room was observed to have thick smoke in the air. There was no ventilation or windows open to help remove the smoke. During an interview with E10, she states she is usually the only one with the residents for the morning smoke periods. She was having a difficult time inhaling the smoke herself. E10 states sometimes the Psych Tech comes to help her. The Psych Tech was noted to come about 12:30pm during this observation. The facility has identified 30 residents who are unsafe smokers and these resident require extra supervision.	F 323			
F9999	FINAL OBSERVATIONS LICENSURE VIOLATIONS LICENSURE VIOLATIONS	F9999			

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F9999	Continued From page 54 300.610a) 300.625l) 300.625n) 300.625p) 300.1210b) 300.3240a) 300.3240f) Section 300.610 Resident Care Policies 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. Section 300.625 Identified Offenders j) Upon admission of an identified offender to a facility or a decision to retain an identified offender in a facility, the facility, in consultation with the medical director and law enforcement, shall specifically address the resident's needs in an individualized plan of care. k) The facility shall incorporate the Identified Offender Report and Recommendation into the identified offender's care plan. (Section 2-201.6(f))	F9999			

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F9999	Continued From page 55 of the Act) l) If the identified offender is a convicted (see 730 ILCS 150/2) or registered (see 730 ILCS 150/3) sex offender or if the Identified Offender Report and Recommendation prepared pursuant to Section 2-201.6(a) of the Act reveals that the identified offender poses a significant risk of harm to others within the facility, the offender shall be required to have his or her own room within the facility subject to the rights of married residents under Section 2-108(e) of the Act. (Section 2-201.6(d) of the Act) n) The facility shall evaluate care plans at least quarterly for identified offenders for appropriateness and effectiveness of the portions specific to the identified offense and shall document such review. The facility shall modify the care plan if necessary in response to this evaluation. The facility remains responsible for continuously evaluating the identified offender and for making any changes in the care plan that are necessary to ensure the safety of residents. o) Incident reports shall be submitted to the Division of Long-Term Care Field Operations in the Department's Office of Health Care Regulation in compliance with Section 300.690 of this Part. The facility shall review its placement determination of identified offenders based on incident reports involving the identified offender. In incident reports involving identified offenders, the facility shall identify whether the incident involves substance abuse, aggressive behavior, or inappropriate sexual behavior, as well as any other behavior or activity that would be reasonably likely to cause harm to the identified	F9999			

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F9999	<p>Continued From page 56</p> <p>offender or others. If the facility cannot protect the other residents from misconduct by the identified offender, then the facility shall transfer or discharge the identified offender in accordance with Section 300.3300 of this Part.</p> <p>p) The facility shall notify the appropriate local law enforcement agency, the Illinois Prisoner Review Board, or the Department of Corrections of the incident and whether it involved substance abuse, aggressive behavior, or inappropriate sexual behavior that would necessitate relocation of that resident.</p> <p>Section 300.1210 General Requirements for Nursing and Personal Care</p> <p>b) The facility shall 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 each resident's comprehensive resident care plan. 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.</p> <p>Section 300.3240 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>f) Resident as perpetrator of abuse. When an investigation of a report of suspected abuse of a resident indicates, based upon credible evidence, that another resident of the long-term care facility is the perpetrator of the abuse, that resident's</p>	F9999			

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F9999	<p>Continued From page 57</p> <p>condition shall be immediately evaluated to determine the most suitable therapy and placement for the resident, considering the safety of that resident as well as the safety of other residents and employees of the facility. (Section 3-612 of the Act)</p> <p>These Regulations were not met as evidenced by:</p> <p>Based on record review and interview the facility failed to prevent 23 residents from sexual, physical, verbal and/or mental abuse by a high risk identified offender (R155) while in facility between 5/13/11 and 10/8/11. R155 had a known history of aggressive, violent and sexually inappropriate behaviors towards residents and staff while in facility. This failure resulted in the sexual, physical, verbal and/or mental abuse to 4 of 24 sampled residents (R12, R19, R20 and R22) and 19 supplemental residents (R33, R84, R156, R96, R121, R123, R42, R127, R101, R146, R32, R80, R143, R122, R154, R28, R61, R140 and R49).</p> <p>In addition, facility failed to:</p> <ul style="list-style-type: none"> - assure residents who are identified as high risk identified offenders (IO) are provided supervision as required and documented on Criminal History Analysis Report (CHAR), for 2 of 2 sampled High Risk IO's (R7 and R8) and one supplemental High Risk IO resident (R155). - provide adequate and increased supervision of residents identified with history of current and past violent and/or aggressive behaviors, example in 2 of 24 sampled residents (R1 and R8) and 1 supplemental resident (R155). - Implement facility policies in regards to 	F9999			

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F9999	<p>Continued From page 58</p> <p>aggressive behaviors and following through with behavior contract consequences as documented for 1 of 3 High Risk IO's evaluated in facility (R155)</p> <ul style="list-style-type: none"> - set up a structure which protects individuals from mistreatment, intimidation and abuse. - assess IO status and risk levels on admission as a means of developing an individual plan of care for residents with potential aggressive behaviors. <p>Findings include:</p> <p>1) R155 is a 26 year old male resident admitted to facility 5/13/11 with diagnosis including Bipolar disorder and Attention Deficit Hyperactivity Disorder (ADHD). R155's 5/11/11 psychiatric evaluation from transferring hospital includes:</p> <p>Resident was transferred from Wood Glen nursing home to the hospital due to aggressive and threatening behaviors toward other residents and staff. Resident with acute exacerbation, chronic psychiatric disorder and non-compliant with medications. Reason for admission to hospital included violent, destructive threats, gestures or behaviors. Resident requires admission to a locked psychiatric unit with individual, group and milieu therapy. R155's 7/08/11 Criminal History Analysis Report (CHAR), assessed resident as a HIGH RISK Identified Offender. R155 was hospitalized twice in May 2011 for aggressive behaviors and agitation, prior to admission to facility on 5/13/11.</p> <p>Resident with acute exacerbation, chronic psychiatric disorder and non-compliant with medications.</p> <p>Reason for admission to hospital included violent,</p>	F9999			

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F9999	<p>Continued From page 59</p> <p>destructive threats, gestures or behaviors. Resident requires admission to a locked psychiatric unit with individual, group and milieu therapy.</p> <p>R155's 02/16/11 PAS/MH screening includes summary of services required: Aggression / Anger management.</p> <p>5/13/11 psycho-social assessment includes: Resident was living on the streets / homeless and was hospitalized due to inability to control his anger. History of stealing money from his mother (guardian). Resident has been in and out of nursing homes since age 12 years old, diagnosed with Attention Deficit Disorder in Kindergarten. History of substance abuse since a young child. Resident admits to having both visual and auditory hallucinations, inability to concentrate and control his anger.</p> <p>5/17/11, 7/01/11, 8/12/11 and 10/07/11 Aggression Risk Assessments scored R155 as a moderate risk. These aggression assessments summarized: - 5/17/11 - R155 with history of violent behaviors, restlessness, mental status changes, victim of abuse, poor impulse control, anger irritable, hostile and suspicious. Recently making threats toward others and has the physical ability to do harm. - 7/01/11 - R155 is very defensive and becomes very irritable when questioned. Can be impulsive, However if someone can intervene or address his anger prior to behaviors the resident is the redirectable. In the cases the resident becomes aggressive, he is first verbally aggressive un-less co-residents</p>	F9999			

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F9999	<p>Continued From page 60</p> <p>provoked him or became physically aggressive with him.</p> <ul style="list-style-type: none"> - 8/12/11 - can become verbally aggressive when approached by staff to discuss behaviors with co-residents and does not always manage his anger appropriately. - 10/07/11 - Can be agitated and aggressive, often poor boundaries. Triggered and escalates rather quickly. Needs staff assistance for re-direction and de-escalations. <p>All of these Aggression risk assessments concluded R155 [does not require special safety considerations outside the facility's standard protocols.]</p> <p>R155 6/13/11 criminal background results identified R155 as an Identified Offender.</p> <p>Facilities Identified Offender (IO) risk assessments do not conclude or summarize the risk levels.</p> <p>R155's 6/15/11 IO risk assessment includes:</p> <ul style="list-style-type: none"> B.) resident is socially inappropriate with residents and staff and can be difficult to re-direct. The resident has been involved in a physical altercation with a co-resident and has been involved in several verbal altercations with peers. The resident has loose boundaries which impacts his social interactions. D.) does not require to be segregated from the general resident population. E.) No special direction for supervision to assure safety of others. F.) Recommendations included to monitor for mood / behavior/ mental status changes, monitor medication compliance and encourage participation in treatment program. 	F9999			

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F9999	<p>Continued From page 61</p> <p>R155's 7/08/11 Criminal History Analysis Report (CHAR), assessed resident as a HIGH RISK Identified Offender. R155 was hospitalized twice in May 2011 for aggressive behaviors and agitation. Resident can become frustrated and agitated quickly. He should be closely monitored for behavioral or symptom changes. "This resident requires a single room in close proximity to the nursing station to permit ongoing visual monitoring. The level of observation should be sufficient for early detection of behavioral changes. Regular assessments is necessary to determine whether closer monitoring or more frequent individual contact is indicated."</p> <p>R155 was admitted 5/13/11 into room 304-1 with a roommate (R158) and remained with this roommate until 6/21/11. On 6/21/11 R155 was placed into room 324-2 with a roommate (R127) and remained with this roommate until 10/08/11 discharge from facility. R155 was never in a single room while residing at facility.</p> <p>R155's care plans include :</p> <p>1) 5/19, 5/26, 6/10, 8/08, 8/09, 8/25, 9/13, 10/08/11 - Moderate Risk for Abuse, Neglect and Aggression. Manifested by - violent behaviors, disruptive behavior, mood swings. Easily distracted at times, is unable to manage anger without staff support and re-direction. Resident is verbally abusive and confrontational at times toward peers. - Need to monitor for changes in mood / behaviors. Encourage to attend groups / activities as tolerated.</p> <p>2) 7/19 and 8/8/11 potential to engage in socially</p>	F9999			

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F9999	<p>Continued From page 62</p> <p>inappropriate behaviors related to diagnosis of Bipolar disorder and ADHD. Resident is often playful and socially inappropriate with peers and staff.</p> <p>Manifested by - disruptive behaviors, mood swings, pushes residents in wheel chairs / pokes residents when not authorized to do so. Use of profanity, yelling, screaming, confrontational with peers and staff.</p> <p>- refer to psych/social as needed (PRN) and re-direct and monitor, attempt to engage in behavior contracting as appropriate.</p> <p>8/19/11 added behaviors of intimidation, verbally threatening, poor boundaries, inappropriate sexual comments and gesture behaviors, physical aggression and history of altercations with peers.</p> <p>3) 8/08/11 Potential for negative interactions with peers demonstrated by physical aggression.</p> <p>4) 8/08/11 not motivated to change, admits to use of unauthorized substances and inconsistent with group attendance.</p> <p>5) 5/19 and 8/8/11 Poor awareness of mental health illness. Exhibits poor symptom and diagnosis awareness. Mood swings, disruptive behaviors, presents with increased agitation at times and is unable to manage anger without staff support and re-direction. Displays impulsive behaviors.</p> <p>- Need to monitor for changes in mood / behaviors. Encourage to attend groups / activities as tolerated.</p> <p>6) 8/9 and 8/19/11 exhibits verbal aggressive behaviors, disruptive behaviors, non-compliance with assessments, irritable, not engaging in residential activities and confrontational with co-residents and staff.</p> <p>7) 8/01, 8/08 and 8/19/11 Will be discharged to a</p>	F9999			

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F9999	<p>Continued From page 63</p> <p>different facility once alternate placement found related to residents behaviors, aggression and substance abuse use.</p> <p>8) 8/19/11 un-safe smoking in facility.</p> <p>R155's nursing notes, incident reports and social service / psycho-social service notes 5/16 - 10/07/11 include multiple incidents of violent, aggressive, sexually inappropriate, intimidating and/or inappropriate behavioral incidents with co-residents and/or staff members (5/16, 5/17 (X 2), 5/21 (X 2), 5/23, 5/24, 5/25, 5/27 (requiring hospitalization), 6/03, 6/06, 6/07, 6/11, 6/12 (X 2), 6/13, 6/15, 6/16, 6/23, 6/24, 7/04, 7/15, 8/01, 8/03, 8/08, 8/17, 8/18, 9/12, 9/13, 9/19, 9/20, 9/26 (X 2) and required staff to perform Crisis Prevention Intervention - CPI, using a transport hold on R155 but not sent to hospital), 9/28 and 10/07/11.</p> <p>R155 was only sent out to the hospital once between 5/13 and 10/07/11 related to behavioral incidents (5/27/11).</p> <p>R155 has been given six different Behavior contracts :</p> <p>5/17/11 (regarding bartering and asking peers for money, demonstrating socially inappropriate behaviors toward peers, refraining from substance abuse use, inappropriate touching of peers and staff in any way, putting shaving creme on residents, making verbally inappropriate statements to staff and peers. Agreeing to attend substance abuse groups three times a week and weekly anger management groups.)</p> <p>5/21/11 (To verbally and physically avoid a co-resident due to 2 separate altercations with that peer (R41) and to focus on his treatment</p>	F9999			

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F9999	<p>Continued From page 64 plan.</p> <p>5/23/11 agree to demonstrate appropriate boundaries with peers and staff to ensure his and peer safety. To refrain from engaging in behaviors that interfere with his care.</p> <p>6/16/11 to follow facility policies with regard to bartering and asking residents for money and to not demonstrate socially inappropriate behaviors toward peers.</p> <p>6/21/11 refrain from any substance abuse use, attendance in facility sobriety groups, acceptance of periodic drug and alcohol testing upon return from outside passes</p> <p>7/15/11 (5 of the 6 items stated in the 5/17/11 behavior contract as listed above.)</p> <p>All of R155's six Behavior contracts concluded by stating the resident's violating this contract may subject the resident to further consequences, including immediate involuntary discharge from facility as deemed appropriate by facility mental health care team.</p> <p>R155's 5/18/11 Skill Level of Functioning (SLOF), assessment summary includes should work toward developing a sense of awareness of his mental illness in addition to anger management and resident should maintain sobriety.</p> <p>R155's medical records and group program documentation only included "Substance Abuse" group. There was no documentation of his attendance/participation and response to programing for anger management or awareness of mental illness.</p> <p>R155's 5/17/11 psycho-social assessment and social service progress notes record past and</p>	F9999			

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F9999	<p>Continued From page 65</p> <p>current use of illicit drugs (marijuana, cocaine and heroin), as well as alcohol. R155 signed Behavior Contracts 5/17, 6/21 and 7/15/11 that included refraining from drug and alcohol use. The Behavior contracts listed possible consequence including involuntary discharge for violation of contract. Social service notes 6/20, 7/11, 7/14 and 9/21/11 all document behavioral incidents related to drug use while residing at facility. R155's substance abuse group participation attendance record only documents his attendance between 5/13/11 admission and 10/08/11 discharge to 13 group meetings. His behavior contracts included requirements to attend 3 times a week.</p> <p>In addition, R155's 6/16, 7/14 and 8/25/11 Psychotropic progress notes, completed by his psychiatrist, include that R155 is calm, cooperative and no abnormal behaviors. There is no evidence documented other than on 5/27/11, that R155's physicians were aware of his continued non-compliance, violent/aggressive behaviors, socially inappropriate and intimidating/threatening behaviors to co-residents and staff.</p> <p>R155 was issued a 30 day involuntary discharge notice on 7/13/11 related to his being identified as a HIGH risk IO and a hearing was held with public health related to this notice on 7/22/11. At the 7/22/11 involuntary discharge hearing, a decision was made to go ahead with R155's discharge from facility. R155 was still present in facility until 10/08/11.</p> <p>During individual interviews E1 (Administrator) and E5 (PRSD), they stated R155's discharge</p>	F9999			

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F9999	<p>Continued From page 66</p> <p>was delayed due to inability to find alternate placement.</p> <p>On 10/07/11 R155's was accused of sexually abusing a male co-resident and was placed on 1:1 supervision up till Immediate involuntary discharge 10/08/11 at 1:30AM.</p> <p>Review of facility's final investigation dated 10/28/11 into R33's initial allegation of being sexually and physically abused by R155 on 10/7/11, led the facility to substantiate R155 had sexually, physically, verbally and/or mentally abused 23 residents over a five month period: 5/13/11 (admission) through 10/8/11 (R155's immediate involuntary discharge date).</p> <p>Admitting Minimum Data Set assessment (MDS) dated 9/4/11 shows R33 is 33 years old, alert and oriented male with diagnosis including cerebral palsy, schizophrenia, grand mal seizure and fecal and urine incontinence. R33 requires extensive assistance with his activities of daily living (ADL's).</p> <p>Review of a facility Interview form dated 10/13/11 in which Z3 (police detective) interviewed R33 states R155 "whipped out his penis and waived it at me. (R155) told (R96) to shut the door, (R96) didn't. (R155) raped me. (R155) had my arms held down with his knees. He bit my earlobes and was jerking his penis up and down. I told him to stop. He said if I told anyone he would do it again. He told (R96) if he told he'd kick him in the nuts. I was all ready for bed in my gown, underwear and socks. He removed my gown. I had white stuff all over so I crawled to the bathroom. That is rape."</p>	F9999			

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F9999	<p>Continued From page 67</p> <p>During a 10/27/11 10:00AM Interview at the hospital, R33 stated (R155) "made me have sex with him. He penetrated me. I didn't want to have sex with him. ... (R155) would bite my ear, grind up against me, pinch my chest. ... I was too afraid to tell anyone. (R155) said if I tell anyone he would do it again. I have to go to a psychiatric hospital from here because I'm feeling suicidal because of being raped."</p> <p>The following resident interviews obtained by the facility and surveyors validate the multiple allegations of abuse by R155 against Rs 84, 156, 96, 121, 12, 123, 19, 42, 127, 101, 146, 32, 80, 143, 122, 20, 154, 28, 61, 22, 140 and 49.</p> <p>R84 Facility interview dated 10/9/11 states R84 told staff R155 "used to beat me up. (R155) punched him, slapped him." R84 stated R155 "did crack, cocaine and weed. Everyone was afraid of him." R84 said he had "scared, bottled up fear. (R155) wouldn't leave me alone. He would bother me more. "</p> <p>During interview on 10/26/11 at 11:55am, R84 said R155 was pretty mean and threw stuff at R84. R84 said R155 exposed himself to a lot of other people including R84, in his room, at night. R155 threatened to harm or kill me if I told. R84 said R155 would do drugs in the facility.</p> <p>E1 (Administrator) stated on 10/28/11 at 4:30pm they had recently become aware of new allegations of abuse by R155. Per E1, while attempting to identify the owner of an abandoned cell phone on 10/28/11, E1 and E2 observed naked photos of two current residents (R84 and R 127).</p>	F9999			

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F9999	Continued From page 68 Review of facility's final report into this new allegation of abuse dated 10/28/11 includes an interview with R84 in which he states, "A couple of nights before (R155) left, he came into my room in the middle of the night and forced himself on me. ... I was sleeping . He took my clothes off. He forced himself on me. He made me get on all fours and put his penis in my ass and he did me like a dog.. He came inside of me. ... He (R155) told me (R84) he would come back with a gun if I told." R84 was interviewed a second time by surveyors as a result of the above incident. On 10/28/11 at 5:45 pm R84 stated several months ago R155 opened the bathroom door and forced R84 "to get in that position and if I didn't he would beat the crap out of me or kill me. (R155) raped me. I didn't even scream for help because I was scared. (R155) closed the door. I was using his bathroom. He raped me before in his bathroom. I told him to stop and don't do that, get away." Review of assessment mood and cognition dated 10/10/11 states R84 is 25 years old, alert and oriented to all spheres. Abuse/Neglect Risk Assessment dated 10/10/11 shows R84 is at moderate risk for abuse/neglect. Narrative on this assessment states R84 reports a history of being a victim of bullying which emotionally impacted R84, and R84 is passive and withdrawn. Review of Minimum Data Set dated 7/28/11 shows R84 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R84's diagnosis include Schizophrenia, manic depression, hip replacement, optic nerve hypoplas and hypopituitarism.	F9999			

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F9999	<p>Continued From page 69</p> <p>R156's Nurses note dated 10/11/11 states after having smoked SHAZAM (synthetic marijuana) with R155 in his room approximately one week ago, R156 fell asleep on 155's bed. When she woke up her clothes were off and R155 was on top of her having sex.</p> <p>During interview with E5 (psychosocial director) on 10/22/11 at 5:20pm, E5 stated R156 reported to staff R155 had sex with her without her consent. R156 refused to go the hospital, saying the incident happened weeks ago. R156 did make a police report on (10/10/11) confirming the above nurse's note. R156 signed out of the facility AMA (against medical advise) on 10/15/11.</p> <p>Facility interview dated 10/9/11 states R155 exhibited inappropriate behavior in R155's room. R137, R33, R101 and R156 were present when R155 pulled out his penis and rubbed it on R101's back and put it in people's faces. R101 and R33 told him to stop, he would not and then they left. R156 stated R155 would bite R33 on the ear.</p> <p>Review of mood and cognition assessment dated 10/11/11 states R156 is 32 years old and is alert and oriented to all spheres. Review of Minimum Data Set dated 9/18/11 shows R156 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R156's diagnosis include Manic Depression.</p> <p>R96"s Facility interview dated 10/7/11: R155 grabbed, twisted, squeezed his penis and twisted his tit and choked him. R155 was making (R33) call him "big daddy." It looked painful. A second facility interview dated 10/9/11 states R155</p>	F9999			

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F9999	<p>Continued From page 70</p> <p>"whipped out his penis with (other residents present) R155 intimidated everyone, he stole from everyone. Everyone was scared."</p> <p>R96 stated on 10/26/11 at 3:22 pm R155 would joke around, he bit me on my thumb, arm and neck. R155 had filed his teeth to points. He grabbed and twisted my dick. I know he would go in other resident's rooms and threaten to break their arm unless they gave him money.</p> <p>Review of mood and cognition assessment dated 10/11/11 states R96 is 27 years old and is alert and oriented to all spheres. Review of Minimum Data Set dated 8/16/11 shows R96 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R96's diagnosis includes Schizophrenia and alcohol abuse.</p> <p>R121's facility interview was dated 10/9/11. R155 would come into R121's room while sleeping and pull his blanket off, pull his pants down and touch R121. R121 would fight R155 and R155 would hit him with his keys and chain and tell him to stop fighting him. "I hate him. I couldn't do anything about it or he would beat me more. I would fight back but he's too strong. ... Everybody feels defenseless. That key is bad, he swings it and it hurts." R121 stated he was too scared to tell anyone and was hoping R155 would get arrested.</p> <p>R121 stated on 10/26/11 at 2:00 pm that R155 would come in to his room at night and try to pull his pants off. R121 stated he tried to get along with R155. R155 would swing his keys and hit R121 with them. R121 said he was able to keep R155 from taking his pants off.</p>	F9999			

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F9999	Continued From page 71 Review of R121's assessment mood and cognition dated 10/10/11 states R121 is 52 years old, alert and oriented to all spheres. Review of Minimum Data Set dated 8/17/11 shows R121 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R121's diagnosis include Schizophrenia, seizure disorder and depression. R12's Facility interview dated 10/9/11 stated "I know (R155) makes funny gestures. He went and peed on my lap. Pee came out on my lapHe was throwing stuff, twisting my chest. " During interview on 10/26/11 at 11:45 am, R12 stated (R155) "unzipped his pants and peed on me. I tried to hold up a pillow to keep it off me. He muscles over everyone. I told a psych tech and was asked if I wanted to talk to the police. He would go in people's rooms, threaten, hit and take cigarettes." Review of Abuse/Neglect Assessment dated 8/15/11 states R12 is low risk for abuse/neglect. Review of mood and cognition assessment dated 10/10/11 states R12 did not come forward about the above incident because R12 was afraid of what R155 would do to him. It also shows that R12 is alert and oriented to all spheres and is 41 years old. Review of Minimum Data Set dated 8/14/11 shows R12 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R12's diagnosis include multiple open wounds, seizure disorder, Schizophrenia and right lower leg deformity. R123's facility interview dated 10/11/11 stated	F9999			

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F9999	<p>Continued From page 72</p> <p>when he (R123) would be in his room talking to his girlfriend, R155 would come in and start kissing R123 on his face. R155 would wrap his arms around R123 to pull him close. R123 told him to stop. It would happen two or three times. He'd throw his keys.</p> <p>On 10/26/11 at 12:55 pm, R123 stated R155 would pinch him anywhere. Sometimes in the elevator. R123 said he told staff and staff would tell R155 to stop but then he would start up again. R123 said he saw inappropriate things happen to others: touching butts, private parts. R123 said he wanted to kick his ass but that then he (R123) would be the one kicked out of the facility.</p> <p>Review of mood and cognition assessment dated 10/11/11 states R123 is 53 years old and is alert and oriented to all spheres. Review of Minimum Data Set dated 9/27/11 shows R123 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R123's diagnosis include Schizophrenia, Parkinson's, seizure disorder and Manic Depression.</p> <p>R19's facility interview dated 10/10/11 states R155 tried to kiss R19 twice. It made R19 feel helpless. On 10/26/11 at 12:20 pm R19 stated R155 "had no body boundaries. (R155) was always like that. He pinned me down two times. Once in the elevator, I was in my wheelchair. I can't get up. One time he wheeled me in my room and on my bed he started pawing me. I told a psych tech and a report was made. (R155) could not stay off SHAZAM. A lot of people smoke that here. (R155) was up all night because there is less staff."</p>	F9999			

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F9999	<p>Continued From page 73</p> <p>Review of abuse/neglect risk assessment dated 9/27/11 scores R19 as low risk for abuse. Review of mood and cognition assessment dated 10/11/11 states R19 is 42 years old and is alert and oriented to all spheres. Review of Minimum Data Set dated 9/18/11 shows R19 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R19's diagnosis include Manic Depression, degenerative lumbar and alcohol abuse.</p> <p>R42's facility interview dated 10/11/11 states R155 put his arm around R42 and touched her breasts. R155 would shake his dick around inside his pants-like a sexual gestureR155 would pinch guys' tits.</p> <p>On 10/26/11 at 12:28pm R42 stated every time R155 hugged her from behind in her wheelchair he would reach around and touch her breasts. R42 stated she did not tell staff because they did not do anything except tell him to stop. R42 said R155 had filed his teeth to points and tried to bite another resident. R42 stated she did not feel safe (while R155) was in the building. R42 said R155 bragged he had been kicked out of 10 nursing homes.</p> <p>Review of mood and cognition assessment dated 10/11/11 states R42 is 54 years old and is alert and oriented to all spheres. Review of Minimum Data Set dated 9/28/11 shows R42 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R42's diagnosis includes Manic Depression and chronic compression fracture.</p> <p>R127's facility interview dated 10/9/11 states</p>	F9999			

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F9999	<p>Continued From page 74</p> <p>R127 said R155 would hit people in the chest, playing around. R127 said he saw R155 grab R12's and R96's private parts.</p> <p>During interview on 10/26/11 at 3:50pm R127 stated R155 was his roommate for several months. (From 6/21/11 through 10/8/11, per review of medical record). R127 said R155 would hit people with his keys and grabbed other residents' genitals. R155 also exposed himself and rubbed his penis on them. During a second interview with surveyors on 10/28/11 (after nude photos of R127 were observed on an unclaimed cell phone) at 6:00pm, R127 stated R155 had taken a photograph of R127 while he was on the toilet. "He (R155) said I was masturbating and I wasn't. There were other people in the room. He started laughing."</p> <p>Review of Abuse/Neglect Assessment dated 10/10/11 states R127 is at moderate risk and can be quiet and withdrawn. Nurses note dated 10/10/11 states R127 history of denial/minimization of psychosocial issues.</p> <p>Review of assessment mood and cognition dated 10/11/11 states R127 is 25 years old and is alert and oriented to all spheres. Review of Minimum Data Set dated 8/23/11 shows R127 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R101's diagnosis include Schizophrenia, depression and psychotic disorder.</p> <p>R101's facility interview dated 10/9/11 states R155 would whip out his penis and make jokes. R155 physically threatened R101 when R101 "took a stand against his behavior." R101 said R155 "did this to everybody who went to that</p>	F9999			

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F9999	<p>Continued From page 75</p> <p>room, his room." R101 stated R155 was a major threat to everyone and does not want R155 in the facility anymore.</p> <p>During interview on 10/26/11 at 12:45 pm, R101 stated R155 would expose himself and touch his penis on people. This would occur at night in resident rooms. The curfew is 10:00 pm but R155 did not care, he (R155) just did what he wanted.</p> <p>Review of assessment mood and cognition dated 10/10/11 states R101 is 41 years old and is alert and oriented to all spheres. Review of Minimum Data Set dated 10/6/11 shows R101 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R101's diagnosis includes Schizophrenia and bipolar disorder.</p> <p>R146's facility interview states R155 would pinch his chest, grab his body and laugh. R146 saw R155 bite R80's neck. He'd bite her to arouse her. She kept telling him to stop. R155 also threw crab apples at people on the patio.</p> <p>Review of mood and cognition assessment dated 10/11/11 states R146 is 23 years old and is alert and oriented to all spheres. Review of Minimum Data Set dated 10/2/11 shows R146 has no cognitive difficulties with memory or daily decision making. Per Minimum Data Set, R146's diagnosis includes Manic Depression, Schizoaffective disorder and aggressive behavior.</p> <p>Other residents alleging statements of abuse against R155 include: R32: Per facility interview R155 "stole \$85.00 off my debit card." R80: Per facility interview R155 would bite her</p>	F9999			

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F9999	<p>Continued From page 76</p> <p>(R80) on her neck.</p> <p>R143: Per facility interview R155 grabbed R153's shoulders and kissed her.</p> <p>R122: Per facility interview R155 slapped his (R155) hand on R122's private part.</p> <p>R20: Per facility interview R155 grabbed R20 and felt her up, touching her breasts.</p> <p>R154: Per facility interview R155 "tweaked breasts."</p> <p>R28: Per facility interview R155 hugged R28 inappropriately.</p> <p>R61: Per facility interview R155 whipped R61 in the butt with his chain.</p> <p>R22: Per facility interview R155 threw objects at head.</p> <p>R140: Per facility interview felt intimidated by R155. R140 wanted to protect roommate from R155.</p> <p>R49: Per facility interview R155 was physically and mentally abusive to R49.</p> <p>Review of Rs 49, 140, 22, 61, 28, 154, 20, 122, 143, 80 and 32 most recent mood and cognition assessments show that all are alert and oriented to all spheres. Review of their most recent Minimum Data Sets show these residents have no cognitive difficulties with memory or daily decision making.</p> <p>2) On 10/19/11 facility provided a list of 22 (IO's) residing in the facility (1 Sex Offender, 2 High Risk, 14 Moderate risk, 5 Low risk and one with pending risk level (per facility provided IO list).</p> <p>Facility's current Identified Offender list included that R7 and R8 are High risk offenders and their criminal history analysis reports (CHAR), included placement in single rooms and the need for room</p>	F9999			

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F9999	<p>Continued From page 77</p> <p>placement in visual control of nursing station and the need for increased supervision. This list also included R6 as a sex offender. As of 10/19/11 R7 and R8 were residing in rooms with roommates. R7 and R8 were both assessed to have violent and aggressive behaviors.</p> <p>R8 was originally admitted to facility 10/13/06. R8 has diagnosis to include Schizo affective disorder. R8 is assessed as a High Risk Identified Offender with history of aggressive and violent behaviors and crimes. R8's CHAR was not completed until 8/13/11 and includes recently physically assaulted a peer and has history of physical violence inside and outside facility. R8 is a high risk for future violent offending despite his low psychopathy. R8 requires placement in a single room.</p> <p>On 6/28/11 R8 became agitated at a resident that shared his bathroom (R102) for taking too long. R8 struck R102, knocking R102 to the ground, lacerating his face and fracturing R102's nasal bone. R8 returned to the facility by himself from the county jail on 7/12/11 and was allowed re-admission. E1 said R8 told her the facility was his home and he wanted to come back. E1 further said R8 was allowed back but was made to sign a behavior contract on 7/12/11.</p> <p>R8 was not in a private room and had a roommate up until re-admission date of 7/12/11.</p> <p>During this survey E1 had all current residents' criminal background checks re-run on 10/26/11. On 11/09/11 E1 stated that five more residents were added to facility's Identified Offender list (R55, R57, R74, R77 and R107). - R55 was admitted to facility 11/29/99 and</p>	F9999			

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F9999	<p>Continued From page 78</p> <p>diagnosis includes Bipolar affective disorder. R55 was not identified as an IO until after receipt of a 10/26/11 criminal background check request. The results include Aggravated assault and criminal trespassing to land. R55's 10/31/11 IO risk assessment scored moderate risk due to history of aggressive behaviors.</p> <ul style="list-style-type: none"> - R57 was admitted to facility 4/28/10 and diagnosis includes Major Depression and alcohol abuse. R57 was not identified as an IO until after receipt of a 10/26/11 criminal background check request. R57's 10/31/11 IO risk assessment scored him as a moderate risk due to history of aggressive behaviors since admission. - R74 was admitted to facility 4/19/01 and has diagnosis including unspecified schizophrenia. R74 was not identified as an IO until after receipt of a 10/26/11 criminal background check request. R74's 10/31/11 IO risk assessment scored R74 as a moderate risk due to history of aggressive behaviors. - R77 was admitted to facility 12/29/09 and diagnosis including Psychosis and alcohol abuse. R77 was not identified as an IO until after receipt of a 10/26/11 criminal background check request. - R107 was admitted to facility 02/04/09 and diagnosis including Psychosis. R107 was not identified as an IO until after receipt of a 10/26/11 criminal background check request. <p>During 10/25/11 interview, E1 (Administrator) and E5 (Psych rehab service director), stated that they did not know why but that facility did not obtain results of R8's 10/24/06 criminal background check until 7/12/11. During a 11/15/11 9:20AM telephone interview, E1 said that she does not know how R55, 57, 74, 77 and 102's criminal background results were missed.</p>	F9999			

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F9999	Continued From page 79 (A) 300.810a) 300.1210b) 300.1210d)6) Section 300.810 General a) Sufficient staff in numbers and qualifications shall be on duty all hours of each day to provide services that meet the total needs of the residents. As a minimum, there shall be at least one staff member awake, dressed, and on duty at all times. Section 300.1210 General Requirements for Nursing and Personal Care b) The facility shall 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 each resident's comprehensive resident care plan. 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. d) The facility shall 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 each resident's comprehensive resident care plan. Adequate and properly supervised nursing care and personal care shall be provided to each	F9999			

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F9999	<p>Continued From page 80</p> <p>resident to meet the total nursing and personal care needs of the resident.</p> <p>6) All necessary precautions shall be taken to assure that the residents' environment remains as free of accident hazards as possible. All nursing personnel shall evaluate residents to see that each resident receives adequate supervision and assistance to prevent accidents</p> <p>These Regulations were not met as evidenced by:</p> <p>Based on observation and interviews facility failed to assure all residents that smoke cigarettes are supervised and only smoke in designated smoking areas and failed to provide and implement a safe smoking program.</p> <p>Findings include:</p> <p>During observation of the facility's third floor dinning room area at 10:30am on October 19 th 2011, six tables were observed to have cigarette ashes on the table tops. No ash trays were observed in the area. While touring the third floor, the east wing rooms 319 - 327, there was a strong odor of cigarette smoke noted in the hallway. Patients that live down that hall said a lot of residents smoke in their room. R25 said the facility knows that residents smoke in their room and those residents are to lose their smoking privileges, but it was not working.</p> <p>At 11:00 a.m. on 10/19/11, three residents R8, R18 and R52 were observed to enter into the third floor day room and begin to start smoking. There was no staff present at this time. No ash trays were available at this time. About five</p>	F9999			

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F9999	<p>Continued From page 81</p> <p>minutes later E10 (CNA) came with her cart and ash trays. A line of residents were noted to be waiting for cigarettes. Within a few minutes there were approximately 40 plus residents in wheel chairs or standing. Residents were coming from the second and third floors. These residents were either smoking or waiting for cigarettes.</p> <p>During the observation, residents were observed to be yelling at R18 who was yelling and swearing at others residents. A psych tech came to address R18. R52 was upset and asking for help because she reported R8 had stolen \$0.50 from her. E10 at that time was the only staff in the day room and could not assist this resident.</p> <p>Residents were noted to put out cigarettes in paper cup,. flick ashes on the tables and walk down hall way with lit cigarettes. Some residents were observed to sit while others are standing, multiple wheelchairs fill the room. E10 appeared to have difficulty keeping track of all the residents and the behaviors.</p> <p>The small day room was observed to have thick smoke in the air. There was no ventilation or windows open to help remove the smoke.</p> <p>During an interview with E10, she stated she is usually the only one with the residents for the morning smoke periods. She was having a difficult time inhaling the smoke herself. E10 states sometimes the Psych Tech comes to help her. The Psych Tech was noted to come about 12:30pm. during this observation. The facility has identified 30 residents who are unsafe smokers and these resident require extra supervision.</p>	F9999			

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F9999	Continued From page 82 (B) 300.1210a) 300.1210b) 300.1210d)2)5) 300.3240a) Section 300.1210 General Requirements for Nursing and Personal Care a) Comprehensive Resident Care Plan. A facility, with the participation of the resident and the resident's guardian or representative, as applicable, must develop and implement a comprehensive care plan for each resident that includes measurable objectives and timetables to meet the resident's medical, nursing, and mental and psychosocial needs that are identified in the resident's comprehensive assessment, which allow the resident to attain or maintain the highest practicable level of independent functioning, and provide for discharge planning to the least restrictive setting based on the resident's care needs. The assessment shall be developed with the active participation of the resident and the resident's guardian or representative, as applicable. (Section 3-202.2a of the Act) b) The facility shall 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 each resident's comprehensive resident care plan. Adequate and properly supervised nursing care and personal care shall be provided to each resident to meet the total nursing and personal	F9999			

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F9999	<p>Continued From page 83 care needs of the resident.</p> <p>d) Pursuant to subsection (a), general nursing care shall include, at a minimum, the following and shall be practiced on a 24-hour, seven-day-a-week basis: 2) All treatments and procedures shall be administered as ordered by the physician. 5) A regular program to prevent and treat pressure sores, heat rashes or other skin breakdown shall be practiced on a 24-hour, seven-day-a-week basis so that a resident who enters the facility without pressure sores does not develop pressure sores unless the individual's clinical condition demonstrates that the pressure sores were unavoidable. A resident having pressure sores shall receive treatment and services to promote healing, prevent infection, and prevent new pressure sores from developing.</p> <p>Section 300.3240 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>These Regulations were not met as evidence by:</p> <p>Based on observation, interview and record review the facility failed to:</p> <ul style="list-style-type: none"> -Comprehensively assess and evaluate the development of R15's facility acquired pressure ulcers. -Develop and implement an individualize preventative skin plan of care for R15 and R11 who were identified as moderate risk for developing pressure ulcer. -Revise and implement relevant goals and 	F9999			

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F9999	<p>Continued From page 84</p> <p>approaches to stabilize or to improve R11's and R15's co-morbidities.</p> <p>-Develop relevant interventions specific to R11's and R15's needs in order to promote healing and prevent worsening of R15 and R11's pressure ulcer on the left heel.</p> <p>-Obtain doctor's order prior to administration of the treatment modalities for R11.</p> <p>These are for two (R15 and R 11) of three residents in the sample identified with pressure ulcers.</p> <p>These failures resulted in (1) R15 developing a Stage II (fluid filled blister) that progressed in the development of necrotic area (Unstageable), then to a Stage IV (with exposed calcaneous) and the development of infection of R15's wound. (2) R11's reddened area on the left heel (Stage I) progressed to unstageable pressure ulcer. These pressure ulcers on R11 and R15 were avoidable pressure ulcers.</p> <p>Findings include:</p> <p>1. Interview with the Director of Nursing (E4) on 10-20-11 at 10:20 AM, E4 stated, R15 developed and acquired a fluid filled blister on the left heel on 04-25-11. E 4 stated this area was just documented as "blister" (StageII) it was not Staged. E2 confirmed the facility had not developed a comprehensive analysis and evaluation, whether this facility acquired pressure ulcer on R15's heel was avoidable or unavoidable. On 10-19-11 the Treatment Nurse (E3) stated "I didn't know I'm supposed to do that (analysis)!"</p>	F9999			

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F9999	<p>Continued From page 85</p> <p>Review of R15's skin care plan showed there is no specific preventive plan of care developed with implementations to promote healing, prevent worsening and to prevent the development of an infection.</p> <p>Review of R15's Pressure Ulcer Risk Assessment (Norton) tool dated 02-14-11 and on 04-27-11 identified R15 as moderate risk for developing pressure ulcer. Review of R15's wound assessment record showed:</p> <p>Type of wound: Blister Location: Left Heel Date Observed: 04-25-11 Acquired (in the facility). Comments: Fluid filled, clear fluid, dark & white colors noted.</p> <p>R15's Doctor's Appointment progress notes/Order Form showed the following:</p> <p>(1) 06-15-11- Left foot ulcer healing well. P.E. (Physical Exam)- left foot heel- ulcer small contracted. Medial arch of wound with superficial wound necrotic tissue- debrided in office. Continue wound vac (vacuum) Follow up in a month</p> <p>(2) 08-24-11- Patient (R15) without complaints P.E. - left foot heel ulcer better. Debrided Necrotic area at superior wound Continue Santyl dressing Follow up in one month</p>	F9999			

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F9999	Continued From page 86 (3) 09-28-11 Patient (R15) note pain & foul odor from left heel ulcer. PE- left heel ulcer -necrotic ulcer Debrided wound- exposed calcaneous Stage IV- left heel ulcer Wound vac (vacuum) Antibiotic (Levaquin 500 mg PO once daily) Follow up in a month. Review of the laboratory report showed a wound (left heel) culture was collected on 10-03-11; report was called on 10-07-11, notified staff of ESBL (Extended Spectrum of Beta Lactamase) on R 15's wound. On 10-20-11 at 12:10 PM, E3 stated "he (R15) acquired the left heel ulcer here, started as a fluid filled blister and then it opened up. It progressed to unstageable due to the presence of necrotic tissue. After it burst the doctor debrided it then after a week it become necrotic. The wound had foul odor and had drainage. A culture came out with infection. By then the patient (R15) was already in the hospital due to change of cognition. The wound progressed to Stage IV due to bone exposure. " II. On 10-19-11 at 12:00 PM, R11 was observed in bed lying on back, heels off loaded with a thin pillow, heels still touching the mattress. R11 stated "my left heel hurts!" During treatment observation, E3 identified and described R11 with unstageable pressure ulcer on the left heel measured at 1.5 cm X 2.0 cm. E3 stated "I put skin sealant once a day." No dressing was noted.	F9999			

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F9999	<p>Continued From page 87</p> <p>Review of the most current Physician Order Sheet disclosed there is no doctor order for this treatment E3 applied on R11's ulcer. This finding was confirmed by E3. At 2:00 PM, the Treatment Nurse/E3 stated, "she (R11) was admitted with red area, a non blanching (redness) on the left heel (Stage I)."</p> <p>There was no individualize plan of care to address R11's pressure ulcer on the left heel. There was no comprehensive assessment conducted to promote healing and prevent worsening of R11's pressure ulcer. These findings were confirmed by both E4 and E3 on 10-20-11.</p> <p style="text-align: right;">(B)</p> <p>300.610a) 300.1210a) 300.1210b)3)4) 300.1210c) 300.3240a)</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.</p>	F9999			

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F9999	<p>Continued From page 88</p> <p>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) Comprehensive Resident Care Plan. A facility, with the participation of the resident and the resident's guardian or representative, as applicable, must develop and implement a comprehensive care plan for each resident that includes measurable objectives and timetables to meet the resident's medical, nursing, and mental and psychosocial needs that are identified in the resident's comprehensive assessment, which allow the resident to attain or maintain the highest practicable level of independent functioning, and provide for discharge planning to the least restrictive setting based on the resident's care needs. The assessment shall be developed with the active participation of the resident and the resident's guardian or representative, as applicable. (Section 3-202.2a of the Act)</p> <p>b) The facility shall 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 each resident's comprehensive resident care plan. 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. Restorative measures shall include, at a minimum, the following procedures:</p>	F9999			

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F9999	<p>Continued From page 89</p> <p>3) All nursing personnel shall assist and encourage residents so that a resident who is incontinent of bowel and/or bladder receives the appropriate treatment and services to prevent urinary tract infections and to restore as much normal bladder function as possible. All nursing personnel shall assist residents so that a resident who enters the facility without an indwelling catheter is not catheterized unless the resident's clinical condition demonstrates that catheterization was necessary.</p> <p>4) All nursing personnel shall assist and encourage residents so that a resident's abilities in activities of daily living do not diminish unless circumstances of the individual's clinical condition demonstrate that diminution was unavoidable. This includes the resident's abilities to bathe, dress, and groom; transfer and ambulate; toilet; eat; and use speech, language, or other functional communication systems. A resident who is unable to carry out activities of daily living shall receive the services necessary to maintain good nutrition, grooming, and personal hygiene.</p> <p>c) Each direct care-giving staff shall review and be knowledgeable about his or her residents' respective resident care plan.</p> <p>Section 300.3240 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>These Regulations were not met as evidenced by:</p> <p>Based on observation, interview and record</p>	F9999			

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F9999	<p>Continued From page 90</p> <p>review the facility failed to:</p> <ul style="list-style-type: none"> - Provide appropriate treatment and services to restore or improve R11's bladder functioning -Develop an individualized bowel and bladder program for R11 to enhance R11's quality of life. -Offer alternatives on incontinence containment devices other than the use of an adult disposable incontinence pad that's more appropriate to R11. -Initiate a complete and accurate bowel and bladder assessment for R11. -Develop incontinence plan of care and with appropriate interventions to help improve or maintain R11's current bladder functioning. -Follow the facility bowel and bladder assessment policy and procedure. <p>These failures resulted in emotional and psychosocial harm. R15 stated " I felt embarrassed (with the use of the adult disposable incontinence pad), depressed, felt old and disgusted. "</p> <p>Findings include:</p> <p>On 10-19-11 at 12:15 PM, R11 stated "I can feel the urge to go to the bathroom. When I was admitted they put diaper on me. They didn't give any choices, they didn't asked me if I wanted to or not. At first when they put the diaper on me I thought I'll die of embarrassment. It bothers me for a while (diaper) I'm not that old, it made me depressed, I felt so old and disgusted. I seldom have accidents (incontinence episodes), I can't hold it sometimes. At times waiting for the staff too long, I wet especially at night, that's embarrassing really but, I can't help it I can't take my self to the bathroom, I need someone assisting me, but I can walk."</p>	F9999			

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F9999	Continued From page 91 On 10-19-11 at 2:10 PM, the Restorative Nurse/B&B Coordinator (E7) and the MDS/Care Plan Coordinator (E8) stated "I'm (E7) not certified yet, I'll be in class by Nov 2011. I (E7) started two weeks ago, I really don't know about the facility B&B policy and procedure yet, I have a list of residents on toileting program but I don't know what type of program they're in." R11's Minimum Data Set (MDS) significant change in status assessment dated 09-22-11 was presented by E8 on 10-20-11 at 11:20 AM. MDS Section H0300 Urinary Incontinence showed R11's occasionally incontinent of bladder with less than seven episodes of incontinence. Section V Care Area Assessment (CAA) summary -CAA 06-Urinary incontinence was triggered, and marked as addressed in care plan. There was no bowel and bladder assessment and no incontinence care plan found in R11's clinical records. This finding was confirmed by E8 on 10-19-11 at 2:30 PM. E8 stated, "they (staff) recognized her as incontinent, she (R11) was triggered for toileting but there's no assessment or care plan developed and not in any (toileting) program that I see." On 10-19-11 at 2:32 PM, the Direct Care Staff/CNA (E9) disclosed, "she (R11) is very, very alert and oriented. She can walk with assistance and can walk from bed to bathroom if assisted. She wears diaper because she has episodes of incontinence but knows when she wanted to use the toilet." When asked why R11's wearing diaper, E 9 stated, "She has episode of incontinence."	F9999			

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F9999	<p>Continued From page 92</p> <p>Review of the facility bowel and bladder policy and procedure showed (1) each resident will be assessed for 72 hours for voiding patterns on admission ...and with significant change ...(2) The license nurse will gather information from the chart, the resident's family/representative, staff members, from resident observations and from review and analysis of the 72 hour voiding patterns. These procedures were not followed for R11.</p> <p>Review of R11's plan of care under impairment of skin integrity showed that R11's incontinent of both bowel and bladder.</p> <p>Review of CMS (672) resident census & condition report showed that the facility has no formal bowel & bladder program.</p> <p style="text-align: right;">(B)</p>	F9999			