

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

PRINTED: 10/30/2012
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 145456	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED C 07/17/2012
NAME OF PROVIDER OR SUPPLIER HERITAGE HEALTH-CARLINVILLE			STREET ADDRESS, CITY, STATE, ZIP CODE 1200 UNIVERSITY AVENUE CARLINVILLE, IL 62626		
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F 226 F9999	Continued From page 19 accordingly. FINAL OBSERVATIONS LICENSURE VIOLATIONS 300.510e) 300.610a) 300.3240b) 300.3240d) Section 300.510 Administrator e) The licensee and the administrator shall be familiar with this Part. They shall be responsible for seeing that the applicable regulations are met in the facility and that employees are familiar with those regulations according to the level of their responsibilities. 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 300.3240 Abuse and Neglect	F 226 F9999			

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F9999	<p>Continued From page 20</p> <p>b) A facility employee or agent who becomes aware of abuse or neglect of a resident shall immediately report the matter to the facility administrator. (Section 3-610 of the Act)</p> <p>d) A facility administrator, employee, or agent who becomes aware of abuse or neglect of a resident shall also report the matter to the Department. (Section 3-610 of the Act)</p> <p>These requirements were not met as evidenced by:</p> <p>Based on record review and interview, the facility failed to immediately report an allegation of abuse to the administrator, thoroughly investigate the allegation, and notify the Department of an allegation of abuse in a timely manner for 1 of 9 residents (R8) reviewed for abuse in a sample of 9, and for 3 residents (R28, R32, R33) in the supplemental sample.</p> <p>The findings include:</p> <p>1. On 7/3/12 at 1:55 PM, E1, Administrator, was made aware of an allegation of abuse with R32. E1 was told by the Department that R32 told E12 , Social Service Director, that staff was "rough" with her when they put her to bed.</p> <p>R32 confirmed on 7/3/12 at 12:30 PM that staff were "rough" when putting her to bed as reported to E12, Social Service Director, "a few weeks ago." E1 denied knowledge of the abuse allegation that R32 was "thrown" into bed and was "scared" but did not investigate the abuse allegation until 7/9/12.</p>	F9999			

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F9999	<p>Continued From page 21</p> <p>E12, Social Service Director, stated in an interview on 7/3/12 at 10:30 AM that about 2 weeks ago she had been asked to speak to R32 and R33. E12 stated when she spoke to R32 and R33 they stated afternoon staff, E14, Certified Nurse Aide (CNA), had been rough with them. E12 stated she went to E1, Administrator, and told him about the allegation and he took over from there.</p> <p>E12 confirmed on 7/3/12 at 1:25 PM, that she reported to E1 that staff was "rough" putting R32 to bed. E12 stated she did not document the incident and was not sure what happened after reporting the incident. E12 stated in an interview on 7/9/12 at 10:00 AM that she had not talked to R33 regarding the incident which occurred June 5th or 6th.</p> <p>E12 stated in an interview on 7/12/12 at 10:10 AM that she talked to R32 on June 5th or 6th. E12 stated R32 did not state the date when staff was rough with her but E12 told E1 right after she talked to R32.</p> <p>R32, stated in an interview on 7/3/12 at 12:30 PM, that "a few weeks ago" an aide "threw" her in bed. R32 stated that was "all she could call it" was that the aide "threw" her. R32 stated she was in her wheelchair and the aide put her hand on R32's shoulder and back and "threw" her. R32 stated she was not sure of the aide's name. R32 stated R32 was in her wheelchair and the aide picked her up and threw her in bed. R32 stated she had not had anyone do that before and it "scared" her. R32 stated E12 and E1 came in to talk to her about it and R32 thought the aide got in trouble. R32 stated she thought the aide</p>	F9999			

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F9999	<p>Continued From page 22</p> <p>got reprimanded because she has not done it since. R32 stated the aide does not talk to her, but she can tell the aide got in trouble.</p> <p>R32 was identified as "interviewable" by the facility on the facility roster. The most current Minimum Data Set dated 5/26/12 identified R32 as a "15" out of 15 for "Cognitive Patterns" score.</p> <p>R32 stated in an interview on 7/9/12 at 11:45 AM that she told E1 that the aide was rough with her. R32 stated E1 came in to talk to her and she told E1. R33 was present during the interview and was asked if she saw R32 thrown into bed. R33 did not answer but R32 answered for her and stated R33 did not observe the incident.</p> <p>E1 stated, in an interview on 7/3/12 at 1:55 PM, that E12 did not tell him R32 had said staff was rough with her. E1 stated E12 told him R32 did not want to go to bed early. E1 stated when he talked to R32 she told him she did not want to go to bed at 6:00 PM, but did not mention staff being rough with her. E1 stated he wrote a note to tell staff not to put R32 to bed too early. E1 provided a signed, written note dated 6/5/12 that stated "Do not put her in bed until she wants to go to bed! If she wants to eat in her room, let her!" E1 stated he had not done an investigation or reported the allegation of abuse involving R32 to the Department. E1 stated there was only one abuse investigation report from June 1 through July 3 and that was for R6.</p> <p>E1 stated, in an interview on 7/9/12 at 10:40 AM, that he had not, as of 7/9/12 at 10:40 AM, done an abuse investigation regarding the abuse allegations with R32. E1 stated he had not done</p>	F9999			

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F9999	<p>Continued From page 23</p> <p>an abuse investigation because R32 did not mention staff being rough with her to him when he spoke to her on 6/5/12. E1 confirmed he did not ask R32 about the allegation on 6/5/12. E1 confirmed that he was told on 7/3/12 that an allegation of abuse had occurred with R32 by the Department. E1 confirmed he was aware R32 had alleged staff were rough with R32 and threw her into bed which scared her. E1 provided an employee schedule which confirmed E14 had worked 21 shifts since June 5th.</p> <p>E1 stated, in an interview on 7/12/12 at 11:30 AM that he had waited until 7/9/12 to do the abuse investigation for R32. E1 confirmed he had been notified on 7/3/12 about the allegations of staff being rough and throwing R32. E1 stated he waited until 7/9/12 because R32 had not said to him that staff were rough or had thrown her on 6/5/12 when he had talked to he. E1 stated R32 told him on 7/9/12 that the incident happened on 6/4/12.</p> <p>The "Abuse Allegation Summary/Worksheet" dated 7/9/12 documented the allegation as "Staff threw me into bed." The "Evidence that doesn't support accusations" documented "CNA not working 6/4/12 when resident said she was thrown into bed," and "No staff has direct knowledge of (R32) being thrown into bed." The conclusion of the investigation was: "There is nothing to substantiate this residents allegations being thrown into bed by (E14)."</p> <p>E1 did identify two staff in the "Summary of Incident" and the written statements, E12 and E17, CNA. E1 identified in the summary that R32 had told staff she had been thrown into bed or</p>	F9999			

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F9999	<p>Continued From page 24</p> <p>staff had been rough with her. E1 documented that both staff identified 6/4/12 as the date the incident occurred. E1 documented there was nothing to substantiate the allegations.</p> <p>E17 stated in an interview on 7/12/12 at 4:10 PM that she could not recall the date when R32 told her she wanted E17 to put her to bed because she was "sick and tired of being thrown into bed" by E14. E17 stated it was about a month ago. E17 stated she had not reported the allegations when R32 made that statement.</p> <p>The written statement dated 7/9/12 by E12 documented "(R32) told me that (E14) is rough with her when she puts her in bed. She never told me that she was thrown in bed."</p> <p>The written statement by E17 dated 7/9/12 documented "Has (R32) told you that any staff member has thrown her into bed? Yes. (E14) I am not sure when it was. She said she was sick and tired of being thrown into bed, I'll have you put me into bed."</p> <p>Review of the nurses notes and social service notes from June 1 through July 3 for R32 and R33 did not identify any allegations of abuse. Review of the abuse allegation report from June 1 through July 3, 2012 only documented 1 abuse investigation and that was for R6.</p> <p>2. E1, stated in an interview on 7/2/12 at 10:00 AM that there had been one abuse investigation since 6/1/12, and that was on 6/23/12 for R8. E1 provided the file for review.</p> <p>On 7/2/12 at 2:50 PM, E1 stated in an interview</p>	F9999			

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F9999	<p>Continued From page 25</p> <p>that there had been two allegations of abuse since February, 2012. E1 stated abuse investigations were done for R6 and R8. E1 did not mention any abuse investigations regarding R28 and R32.</p> <p>E1 was then specifically asked if he was aware of an abuse allegation involving R28 and R31. E1 stated that morning at 4:54 AM he had received a call from E6, Licensed Practical Nurse (LPN), that R31 had a "concern" about a midnight CNA and it was investigated this morning. E1 stated it was not abuse. E1 stated E6 told him on the phone that R31 had said to her "CNA had slapped (R28)." E1 stated E6 had the CNA, E8, there and put her on the phone to talk to him. E1 stated he sent E8 home. E1 stated the reason he had not reported it to the Department was because he was "still working on it." E1 confirmed in an interview at 4:25 PM on 7/2/12 that he had not reported the abuse allegation to the Department with an initial report. E1 stated he thought he had up to 24 hours to report it.</p> <p>E6, LPN, stated in an interview on 7/2/12 at 3:16 PM, that on 7/2/12 at about 4:30 AM, E8, CNA, came to her and said R31 was probably going to say E8 was hitting R28. E8 told her R31 woke up and asked E8 if she was hitting R28 while E8 was giving care to R28. E6 stated she went down to talk to R31. R31 told her R28 woke her up screaming and she thought E8 was slapping R28. E6 stated R31 told her R31 had never heard R28 scream like that and E8 had told R31 that she was just changing R28. E6 stated she did not ask R28 any questions but did check her and there were no marks on her. E6 stated she called E1 and he said to send E8 home.</p>	F9999			

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F9999	Continued From page 26 E3, Registered Nurse, stated in an interview on 7/3/12 at 10:10 AM that he went in to check R28 at approximately 9:05 AM after E1 told him there was an allegation of abuse on R28 made by her roommate, R31. E3 stated he did a skin check and found 2 bruises on R28's stomach due to Lovenox shots and a fading bruise on R28's right forearm. E3 stated he did not ask R28 what had happened. R31 stated in an interview on 7/2/12 at 2:40 PM, that she was asleep and heard her roommate, R28, say "You're hurting me, you're hurting me." R31 stated R28 never says that and when she asked the aide what she was doing, the aide said she was just changing her. R31 stated she told the nurse and then E2, Director of Nursing, E3, and E1 came in to talk to her. R28 was unable to answer questions during an interview on 7/3/12 at 11:50 AM. According to the "Report to (Department) faxed to the Department on 7/2/12 at 5:24 PM the "Summary" documented "An allegation of physical abuse towards the resident by a CNA." The report for R28 documented the incident occurred on 7/2/12 at 5:00 AM. 3. The "Report to (Department) dated 6/24/12 documented an "allegation of physical abuse toward resident." According to the report, the date and time of the occurrence was 6/23/12 at 5:15 AM. Review of the "Abuse Allegation Summary/Worksheet" documented that E16 did not report the alleged abuse until 6/23/12 at 11:04 PM. E16, CNA, reported E15, CNA, was rough	F9999			

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F9999	<p>Continued From page 27</p> <p>with R8 during a transfer. The abuse allegation initial report to the Department was not reported until 6/24/12.</p> <p>In a written statement dated 6/24/12 at "0150" by E16 she documented "Last night (E15) was rough with (R8). We were transferring her from bed to wheelchair. She was very rough and didn't give me a chance to help. When we went to transfer her I almost fell because she didn't take her time. When she was transferred it was too quick and (E8) knee hit the end of the bed. This happened at 0515 Saturday morning. (R8) was saying 'ow' like her knee was hurt. She has a bruise on her knee, the one that got hit on the end of the bed."</p> <p>The "Report to (Department) dated 6/27/12 documented in the "Summary" that "(E16) CNA stated (E15) CNA was rough during a transfer with (R8) and did not take her time with the transfer. A thorough investigation was completed and (E15) CNA was found to have transferred (R8) roughly. (The facility) does not tolerate rough handling of residents. (E15) CNA was terminated from employment with (Facility) as a result of this."</p> <p>E1, Administrator, stated in an interview on 7/5/12 at 12:35 PM that R16 did not report the abuse allegation in a timely manner. E1 confirmed the incident occurred on 6/23/12 at 5:15 AM and was not reported until 6/23/12 at 11:04 PM.</p> <p>4. The facility's "Policy and Procedure regarding Abuse and Neglect..." documents under "Reporting" that "A facility employee or agent who becomes aware of alleged abuse or neglect of a resident shall immediately report the matter to the</p>	F9999			

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F9999	<p>Continued From page 28</p> <p>facility administrator. (77 Ill. Administrator Code Section 300.3240 (b).) The policy also documents "A facility administrator, employee, or agent who becomes aware of alleged abuse or neglect of a resident shall also report the matter to the Department. (77 Ill. Administrator Code Section 300.3240 (d).)"</p> <p>Under the section "Investigating" the policy states "After an initial report of suspected abuse or neglect is sent to (Department), the Administrator or designee shall investigate all alleged incidents of abuse or neglect."</p> <p>Under the section "Protection" the policy states "If the incident involves alleged abuse by an employee as the perpetrator of abuse, then the Administrator shall immediately suspend the employee suspected to be involved in the alleged abuse without pay pending investigation of the incident." The policy also states "If the incident involves alleged abuse or neglect, the Administrator shall provide the (Department) with initial notice of the alleged abuse or neglect by telefaxing to the Department a copy of a report of the incident completed within 24 hours after the incident becomes known." The Policy and Procedure does not state immediately.</p> <p style="text-align: center;">(A)</p>	F9999			