

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

PRINTED: 04/17/2013
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 14E257	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED 02/01/2013
NAME OF PROVIDER OR SUPPLIER PARK HAVEN CARE CENTER			STREET ADDRESS, CITY, STATE, ZIP CODE 107 SOUTH LINCOLN SMITHTON, IL 62285		
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F 458	Continued From page 44	F 458			
F9999	<p>FINAL OBSERVATIONS</p> <p>LICENSURE VIOLATIONS</p> <p>300.610a) 300.695b)3) 300.3240a) 300.3240b) 300.3240d)</p> <p>Section 300.610 Resident Care Policies</p> <p>a) The facility shall have written policies and procedures, governing all services provided by the facility which shall be formulated by a Resident Care Policy Committee consisting of at least the administrator, the advisory physician or the medical advisory committee and representatives of nursing and other services in the facility. These policies shall be in compliance with the Act and all rules promulgated thereunder. These written policies shall be followed in operating the facility and shall be reviewed at least annually by this committee, as evidenced by written, signed and dated minutes of such a meeting.</p> <p>Section 300.695 Contacting Local Law Enforcement</p> <p>b) The facility shall immediately contact local law enforcement authorities (e.g., telephoning 911 where available) in the following situations:</p> <p>3) Sexual abuse of a resident by a staff member, another resident, or a visitor;</p>	F9999			

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F9999	<p>Continued From page 45 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. (A, B) (Section 2-107 of the Act)</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 interview and record review, the facility failed to operationalize their abuse policy by failing to immediately report an allegation of potential sexual abuse to the Administrator and local law enforcement, failed to ensure evidence of a potential sexual abuse was preserved, and failed to thoroughly investigate the allegation of sexual abuse for one of five residents (R11) reviewed for allegations of abuse in the sample of 17. This had the potential to affect all of the 81 residents in the facility</p> <p>Findings include:</p> <p>1. The facility's policy "Reporting Abuse to Facility Management", not dated, documented "It is the responsibility of our employees, facility</p>	F9999			

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F9999	<p>Continued From page 46</p> <p>consultants, attending physicians, family members, visitors, volunteers, etc. to promptly report any incident or suspected incident of Resident abuse, neglect, exploitation, misappropriation of Resident property and injury of unknown origin to Administrator/Abuse Prevention Coordinator immediately."</p> <p>2. The facility's policy, "Investigations of Sexual Abuse", not dated, documented "2. The Director of Risk Management/Abuse Prevention Coordinator will investigate every allegation of sexual misconduct. When conducting an investigation of sexual abuse and misconduct, implement the following protocol: a. In the case of alleged rape, immediately contact local law enforcement; b. For all allegation of sexual abuse immediately notify the Resident's attending physician, family or legal representative, and appropriate local and state governmental agencies; c. Assess the Resident for possible injury; d. Provide the Resident with emotional support; e. In the case of alleged rape, do not shower, bathe or change the Residents' clothing. (Note: if clothes have been changed, bag the clothes in accordance with instructions from law enforcement officials.); f. In the case of alleged rape do not disturb the location where the alleged rape took place; g. In the case of alleged rape, prepare the Resident for transfer to the hospital for examination; h. In consultation with law enforcement and/or governmental agencies, continue the facility's investigation of the incident in accordance with established policy; i. Reduce Witness Statement (s) to writing."</p> <p>3. The facility's Initial Facility Report to</p>	F9999			

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F9999	Continued From page 47 Department written by E3, Risk Manager, dated 10/27/12 at 1:25 PM documented "Complete description of Occurrence: Early this afternoon staff was made aware that Resident (R11) and Resident (R12) may be involved in a relationship possible sexual in nature. Resident (R11) was moved to 300 hall for safety reasons based on both residents Psych diagnoses. Our investigation has commenced." It documented, "On Saturday the 20th of October, 2012 (actual date of incident is 10/27/12) at approximately 12:00 PM, staff reported that (R11) had blood stains in his underwear and when asked why, made a statement that was understood as 'He put his pepe in me for snack.' (R11) was moved to the 300 hall as a safety precaution and our investigation commenced. (R11) did not indicate at any time that he had been mistreated in any way. The reporting staff member assumed that (R12) was involved because (R12) shares snacks with (R11). R12 also shares snacks with other residents as well." E3 documented, "An RN (Registered Nurse) examined (R11) at the time of the allegation and found no skin tears or hemorrhoids visible. No further blood was noted. The doctor was consulted and pointed out that (R11) is on the medication Clozaril which commonly causes large bowel movements leading to rectal bleeding and blood in the stool. (R11's) sister visited the facility to discuss the allegation with (R11) in (his primary language). She reported that he denies any sexual event occurred, whether willing or unwillingly; that she feels nothing happened, and if it would have she would be able to tell based on his mood and actions." E3 continued to document "Our investigation did not find any evidence of abuse or inappropriate behavior towards (R11) by any	F9999			

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F9999	<p>Continued From page 48</p> <p>other person. (R11) has continued with his daily routines as normal without any signs of distress, depression or fear. There are no observable changes to (R11's) psychosocial status. (R12) involvement proved to be pure conjecture based on the sharing of snack items. No cause was found to suspect any other resident, staff member or visitor of inappropriate or abusive behavior. This investigation was conducted out of an abundance of caution." E3 documented R12 had no history of sexual type complaints. He wrote "Resident (R12) is on Provera making it difficult to gain an erection. Resident denies any anal activity." E3 documented the summary of the resident's interview "Resident (R11) states he has consensual sex on occasion with Resident (R12). Resident (R12) denies ever having anal sex and states he would never do that because he is not gay." There were no documented statements from the nurse who observed the blood on R11's buttocks.</p> <p>On 1/10/12 at 9:15 AM, an interview was conducted with E3, Risk Manager. E3 said he received a call from the facility mid morning on 10/27/12. E3 said he was told R11 and R12 were having sex. E3 stated he came to the facility and asked the staff what transpired. E3 said he was told E9 found blood on R11. E9 asked R11 what happened and he told her "R12 stuck his pee pee in his butt for treats." E3 stated he questioned R12 who denied having sex with R11. E3 said they contacted Z2, R11's sister. She came to the facility to speak to R11 in his primary language. After the interview, Z2 stated nothing happened, "R11 would say yes to anything. It's against our religion." Based on all of the statements obtained from R11, R12, Z2, they</p>	F9999			

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F9999	<p>Continued From page 49</p> <p>could not substantiate anything. When questioned regarding how staff should handle situations where sex was alleged and their was visible injury, E3 stated. "They need to call (E1) immediately. (E1) would determine what needs to happen."</p> <p>E9, Certified Nurse's Aide (CNA).wrote a statement regarding this incident and documented "On Oct. 27 I went down to (R11's) room to get him for Breakfast. Noticed blood on back of his pants. Went right away and reported it to the nurses at the nurse station it was both night and Day nurse. Then after the night nurse came down. I took res (resident) to tub room to clean him up. I ask him what happen res. reply he put his pee pee in me for snacks. CNA report that to day nurse."</p> <p>On 1/10/13 at 12:50 PM, an interview was conducted with E9. E9 stated on 10/27/12 she went down to get R11 up for breakfast around 7:00 AM. She stated when he stood up he had blood on the back of his pants near his rectum. She said the blood stain was the size of an apple and was bright red. E9 stated she went and told the nurses. She said that they went to the tub room and E16, Registered Nurse (RN) checked him out. He had blood near his anus. She said she cleaned him up. When the nurse wasn't there and she was cleaning him up she asked him what happened. E9 said R11 stated "He stuck his pepe in me for snacks." E9 stated she did not ask R11 who he was referring to. E9 stated she told the day and the night nurses immediately.</p> <p>R11's Nurse's Note dated 10/27/12, written by</p>	F9999			

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F9999	<p>Continued From page 50</p> <p>E15, Licensed Practical Nurse (LPN) documented "CNA reported rectal bleeding from Res. Res had bright red blood @ (at) anus, on buttocks et (and) toilet seat, some bloody stool in toilet. No external hemorrhoids noted, no anal swelling. Denies Pain." There was no documentation regarding at what time this Nurse's Note was written.</p> <p>On 1/15/13, at 3:15 PM, an interview was conducted with E15. E15 stated on 10/27/12 around 7:00 AM, , E9 came to her and E16. E15 stated E9 said R11 had blood on his buttocks and was concerned because he had been with R12. E15 stated E9 had R11 in the 200 hall Bathroom. E15 stated R11 had blood smeared on his buttocks and on the toilet. E15 said there was no visual signs of trauma near R11's anus. E15 stated she did not question R11 about what happened because "He does not say a word to me." E15 stated she went and told E16 and charted her observation. E15 stated "My shift was over and I left." E15 stated E16 took over because she was the day shift nurse.</p> <p>R11's Nurse's Notes written by E16, dated 10/27/12 documented "10:00 a.m. CNA reporting to nurse that resident is stating that blood from rectum is caused by sexual activity with another resident. 10:30 am. Upon interviewing resident about our concern for the blood found in the toilet and on the back of his underwear a rectal check was done to R/O (Rule Out) hemorrhoids. No evidence of any tears or further bleeding or hemorrhoids noted. 11:00 Called DON (Director of Nurse's) to report complaints (and) observations. Instructed to move resident to another hall (and) to call administration. 12:00</p>	F9999			

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F9999	<p>Continued From page 51</p> <p>Notified admin of residents move to 300 hall (and) of situation. Resident approached about move at 11:15 (and) is in agreement to move. 1:30 Family notified of move by telephone message."</p> <p>On 1/11/13, at 10:25 AM, an interview was conducted with E16. E16 stated on 10/27/12 at around 10:00 AM, she was told by E9 that R11 had blood on his buttocks near his rectum. E16 stated she observed R11's rectum and there was no blood and no evidence of external trauma. E16 stated R11's pants had already been removed and he had been cleaned up. E16 stated she had heard from E9 that R11 alleged R12 stuck his pee pee in him (R11). E16 stated she asked R11 if he and R12 had sex and R11 responded "yes." E16 stated R11 stated it was consensual. E16 stated she contacted E2, Director of Nurse's and E2 contacted E1 regarding this incident.</p> <p>R11's Social Service Progress Notes written by E12, PRSC (Psychosocial Rehab Service Coordinator) dated 10/27/12 at 9:30 AM documented "It was reported to PRSC upon arrival that resident had blood on the back of his pants this morning as well as on his bed. Per report resident admitted to having sex c (with) resident #765 (R12). Per resident, stated that the night of 10/26/12 resident had consensual sex c resident #765. Resident reported to PRSC that he did not want to have sex c resident but he did not refuse. PRSC counseled resident on feeling pressure from peers (and) speaking to staff when resident feels afraid. Resident stated he understood (and) agreed to talk to staff. Res was moved to room 302 for safety (and) will be</p>	F9999			

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F9999	<p>Continued From page 52 monitored by psychosocial staff for 72 hours."</p> <p>On 1/11/13 at 11:55 AM, an interview was conducted with E12, PRSC. E12 stated "I got to the facility around 9:00 AM, and a CNA bombarded me. She found blood in R11's underwear and he said he was having sex with R12. E9 told her ' I don't know what to do. ' " E12 said she questioned R11 regarding this allegation. E12 stated she asked R11 "Did you have sex ?" and he responded "Ya". She then asked R11 " Did you want to have sex?" and R11 responded "No". She asked R11" Were you forced to have sex?" and R11 responded "No." E12 asked R11 if he had sex with R12 and R11 responded "Ya." E12 said after she conducted the interview with R11 she called E1 and R11 was moved to another hallway away from R12. When asked if E12 believed R11 was capable of consenting to sex, E12 stated she did not think R11 could give consent to sex because she was not sure he completely understood the questions being asked. E12 stated "I can't confirm his decision-making capacity because I'm not sure he comprehends what is being said to him. It may be a language barrier. I'm not sure he knows what I'm asking." E12 stated she was made aware R12 was hypersexual when she was first employed at the facility 8 months prior. She said she had heard rumors that R11 would have sex with R12 for snacks. She never observed this.</p> <p>On 1/10/13, at 9:55 AM, an interview was conducted with R12. R12 stated he had never had sex with R11 or any relationship with R11.</p> <p>On 1/11/13, at 12:25 PM, an interview was</p>	F9999			

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F9999	<p>Continued From page 53</p> <p>conducted with Z1, R11's and R12's Psychiatrist. When questioned regarding if he was aware of the allegation that R11 and R12 had sex, he replied "I was not aware of that." He then stated "I would move R12". When questioned regarding if he felt R11 could give informed consent for sex, Z1 responded "No." He then stated that although R11 had sexual needs he could reject or resist someone who wanted sex. Z1 stated "I think he could at least call out."</p> <p>On 1/16/13, at 12:00 PM, an interview was conducted with Z3, R11's Physician/Facility Medical Director. Z3 stated she was not aware of the alleged sexual abuse regarding R11. Z3 stated "The facility may have called my office when it occurred but I was not aware before today."</p> <p>On 1/15/13, at 12:20 PM, an interview was conducted with E1, Administrator. He stated on 10/27/12 he was called by E16 regarding the alleged allegation. E1 stated he also talked to E12. E1 stated he told E12 if she thought a rape had occurred she should contact the police. The local Police Department was finally contacted on 1/19/13 during the Department's investigation of this incident. In an interview with Z5, (officer at local police department) on 1/31/13 at 10:50A.M, he stated that the facility called him about R11 and he went out to the facility and after speaking to E1 it was determined that R11 had hemorrhoids which cause the bleeding. The case was closed.</p> <p>R11's Physician's Order Sheet dated January 2013 was reviewed and documented the following</p>	F9999			

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F9999	<p>Continued From page 54</p> <p>partial diagnoses: Schizophrenia, Schizo-Affective Disorder and Depressive Disorder.</p> <p>R11's Minimum Data Set (MDS), dated 8/27/12 documented he scored an 8 (Score 8-12: moderately cognitively impaired) on the BIMS (Brief Interview for Mental Status) . R11's MDS dated 11/16/12 documented he scored a 5 (Score 0-7: severe cognitive impairment) on the BIMS. R11's 11/16/12 MDS documented he sometimes understands and sometimes is understood when communicating.</p> <p>R11's Care Plan dated 3/9/12 documented "Resident is at risk for abuse due to his limited communication." The interventions documented "Resident's rights reviewed with resident upon admission and annually" and Staff educated about residents' rights upon hiring during orientation." R11's Care Plan dated 3/9/12 documented "Resident communicates verbally, usually understands. He frequently answers most questions 'yes, , no or I don't know.' Has some difficulty at times related to primary language being (non-English). Resident is able to answer in basic, simple responses, understands basic conversation. Resident requires simple, basic reduced volume of information in order to be understood. When simple direct approach does not work resident will usually understand by rephrasing. Abstract questions seem difficult responds best to concrete thinking and questions."</p> <p>On 1/10/13, at 9:50 AM, an interview was conducted with R11. R11 was asked if he ever had bleeding on his buttocks or near his anus.</p>	F9999			

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F9999	<p>Continued From page 55</p> <p>R11 replied "Yes." When asked if anyone had every touched his buttocks, he responded "Yes." When asked how that made him feel, R11 responded "Pretty good." When asked who touched his buttocks, he responded "My sister."</p> <p>On 1/24/13 an interview was conducted with R11 while using a personal interpreter service. At 11:45 PM, E1 contacted the personal interpreter service by telephone. Z4, Personal Interpreter, was placed on speaker phone. As E1, asked R11 questions in English, Z4 would then ask R11 the questions in R11's primary language. The interview questions were as follows:</p> <p>E1 asked R11 "Do you remember in October 2012 having blood on your pants?" R11 gave no verbal response but grinned at the surveyor.</p> <p>E1 asked R11 "Do you know why you were bleeding?" R11 responded "No."</p> <p>E1 asked R11 "Will you tell us why you were bleeding? R11 nodded his head yes but did not answer verbally.</p> <p>E1 asked R11 "Can you tell me what happened?" R11 responded "No, don't remember."</p> <p>E1 asked R11 "Do you know (R12)?" R11 responded "Yea."</p> <p>E1 asked R11 "Are you having a sexual relationship with (R12)?" R11 responded "Yea."</p> <p>E1 asked R11 "Do you want to have sex with (R12)?" R11 responded "No."</p> <p>E1 asked R11 "Did he force you to have sex?" R11 responded "Yes."</p> <p>E1 asked R11 "Where did this happened?" R11 responded "I don't know."</p> <p>E1 asked R11 "When did this happen?" R11 responded "Yes."</p> <p>E1 asked R11 "How did you have sex?" R11 responded "I don't know."</p>	F9999			

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

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OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 14E257	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED 02/01/2013
NAME OF PROVIDER OR SUPPLIER PARK HAVEN CARE CENTER			STREET ADDRESS, CITY, STATE, ZIP CODE 107 SOUTH LINCOLN SMITHTON, IL 62285		
(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETION DATE	
F9999	Continued From page 56 E1 asked R11 "Did he hurt you?" R11 responded "Yes." E1 asked R11 "How did he hurt you?" R11 responded "I don't know." E1 asked R11 "(R11) do you know what sex is?" R11 responded "Yes." E1 asked R11 "Can you tell us what sex is?" R11 responded "Everything." E1 asked R11 "Are you still having sex with (R12)?" R11 responded "No." E1 asked R11 "Are you having sex with anyone else here?" R11 responded "No." E1 asked R11 "Has anyone forced you to have sex here?" R11 responded "No." E1 asked R11 "Are you scared of (R12)?" R11 responded "No." E1 asked R11 "Are you and (R12) friends?" R11 responded "Yes." E1 asked R11 "Do you want to be around R12)?" R11 responded "No." After each of these questions, Z4 would ask the question in R11's primary language. At no time did R11 answer Z4 in his primary language or acknowledge Z4 was speaking to him. E1 asked R11 if he understood Z4. R11 responded "Yea." E1 asked R11 to speak to Z4 in his primary language and R11 responded "Yes." E1 picked up the phone and asked Z4 to please speak to R11 directly. E1 handed the phone to R11. R11 said "Hello, hello, hello, yes, yes, goodbye." R11 handed the phone to the surveyor. Surveyor questioned Z4 regarding the conversation which took place. Z4 stated she asked R11 to please speak to her in his primary language so she could make sure he understood her. Z4 stated "You heard his response."	F9999			

