

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

PRINTED: 07/21/2009  
FORM APPROVED  
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>145673</b>		(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED  <b>C</b> <b>07/15/2009</b>	
NAME OF PROVIDER OR SUPPLIER  <b>APOSTOLIC CHR HOME OF EUREKA</b>				STREET ADDRESS, CITY, STATE, ZIP CODE <b>610 CRUGER</b> <b>EUREKA, IL 61530</b>			
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F 000	INITIAL COMMENTS			F 000			
	Investigation of Complaint # 0922960/IL42389.						
F 223 SS=G	<p>No extended survey was conducted.</p> <p>483.13(b), 483.13(b)(1)(i) ABUSE</p> <p>The resident has the right to be free from verbal, sexual, physical, and mental abuse, corporal punishment, and involuntary seclusion.</p> <p>The facility must not use verbal, mental, sexual, or physical abuse, corporal punishment, or involuntary seclusion.</p> <p>This REQUIREMENT is not met as evidenced by: Based on interview and record review, facility staff failed to re-direct one of one resident (R1) involved in a behavioral incident toward a peer in a non-confrontational manner. This failure caused an escalation of the situation and an abusive posture on the staff's part. R1 exhibited emotional distress after the event.</p> <p>Findings include:</p> <p>A facility Alleged Abuse Incident report dated 7/7/09 indicated that two staff persons made an allegation of physical and verbal abuse by nurse E8 toward R1 for an incident that had occurred at approximately 9:15 AM that same day. The report stated that E8 was sent home, pending results of an investigation done by E2 (Social Service Director). The report illustrated a verbal exchange between E8 and R1 that resulted from R1's repeated attempts to pull a pillow out from under R4's head while R4 was napping in the</p>			F 223			

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE

(X6) DATE

Any deficiency statement ending with an asterisk (\*) denotes a deficiency which the institution may be excused from correcting providing it is determined that other safeguards provide sufficient protection to the patients. (See instructions.) Except for nursing homes, the findings stated above are disclosable 90 days following the date of survey whether or not a plan of correction is provided. For nursing homes, the above findings and plans of correction are disclosable 14 days following the date these documents are made available to the facility. If deficiencies are cited, an approved plan of correction is requisite to continued program participation.



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F 223	<p>Continued From page 1</p> <p>central sitting area of the Alzheimer/Dementia Unit. The report stated that other staff had previously tried to unsuccessfully re-direct R1 from this behavior before E8's involvement. The report also stated that E8 at one point took hold of R1's arm to prevent R1 from taking R4's pillow again, causing R1 to become aggressive and strike out at E8. The report stated that E8 requested assistance from nurse aide E9, and they escorted R1 back to her room, where the three remained for five to ten minutes. The report stated that R1 then came out of her room and had no more behaviors. The report stated that bruises were later noted on R1's arms, which were examined later that day by the facility's Medical Director, who could not determine their cause or time of origin.</p> <p>The 7/7/09 report outlined interviews conducted by E2 with E5 (activity aide), nurse aides E4, E9, E6, E7 and also R1's family representative. The report also mentioned that an interview with R1 regarding the matter was attempted by E2, but was unsuccessful due to R1's reluctance to talk with E2. The report concluded that no abuse took place on the part of E8, however E8 "did not handle this situation well," and "could have refrained from getting into a verbal debate with a resident who suffers from dementia."</p> <p>E5 (activity aide) stated on 7/10/09 at 2:05 PM that she was working in the Alzheimer/Dementia Unit at 8:45 to 9 AM on 7/7/09 when R1 repeatedly kept pulling the pillow out from behind R4's head in the center sitting area, despite redirection attempts by staff. E5 said that nurse E8 became involved and told R1 to stop doing that, or R1 would have to go to her room. E5 said that R1 did it again, and E8's voice became</p>			F 223			



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F 223	<p>Continued From page 2</p> <p>louder while telling R1 to stop. E5 said that R1 walked away, came back to the area, and then reached around E8 to grab R4's pillow again. E5 said that E8 grabbed one of R1's arms and told R1 again that she (R1) would have to go to her room if she (R1) did not stop it, to which R1 replied, "You are not my boss." E5 said that E8 replied, "I am your boss, I am going to call your doctor and get medication for you," to which R1 replied, "I would like to see you give me pills." E5 said that E8 then said to R1, "I will get you a shot, and give it to you in your butt." E5 said that R1 then responded with a vulgar reply, to which E8 turned R1 around and requested aide E9 to assist. E5 said that E8 and E9 then took R1 to her room holding R1 by her arms. E5 said that the three were in R1's room for about 10 minutes. E5 said that later R1 came up to E5 and showed E5 bruises on R1's arms.</p> <p>E5 further stated that she had tried to report the incident to E2, who is the abuse coordinator, but she was told that E2 was out of the building. E5 said that she then reported it to E3, the Unit Coordinator. E5 said that she believed E8's actions were "too extreme" and that nurse E8 had "threatened (R1) with medication."</p> <p>E4 (nurse aide) stated on 7/10/09 at 11:20 AM that on the morning of 7/7/09, R1 was repeatedly taking R4's pillow away while R4 was napping in the center area of the Unit. E4 said that at about 8:45 AM to 9 AM, nurse E8 entered the area and began to "bicker back and forth" with R1 about R1's behavior. E4 said that E8 talked to R1 in a very loud tone, saying, "If you are going to act like this, then you can just go back to your room," while E8 was pointing down the hall in the direction of R1's room. E4 said that R1 became</p>			F 223			



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F 223	<p>Continued From page 3</p> <p>"furious" at this point and said, "I am not a little kid, I don't need to go to my bedroom." E4 said that R1 then stormed off, but came back shortly thereafter and tried to reach for R4's pillow again. E4 said that E8 grabbed R1's right arm and said, "I am the nurse, I am the boss here. You are going to go down to your room and stay there." E4 said that E8 was yelling this at the time to R1, who verbalized that she would not go to her room. E4 said that E8 then yelled at R1, "I am going to call the doctor who is your boss, and we are going to get something to control this problem." E4 said that after more verbal exchange, R1 used vulgar language and refused to take any medication. E4 said that E8 replied to R1, "Well, we'll get a shot, and stick it in your butt." After this, E4 stated that E8 and E9 took R1 down to R1's room, and R1 was screaming while going down the hall.</p> <p>E4 stated that E8, E9 and R1 were in the room for maybe five to six minutes, with loud voices audible in the hallway. E4 said that following this, R1 came out and was pacing the halls. E4 said that she went up to R1 and asked R1 if she was "OK," and at that time R1 was crying. E4 said that after that, R1 was no longer having behaviors and "kept to herself the rest of the day." E4 said that after the incident, she tried to reach E2, the abuse coordinator, but he was out of the building. E4 said that she then reported this matter to E3 about 9:30 AM that morning. Later that morning, E4 said she was asked by E2 to give a written statement concerning the incident, which she did. E4 said that she thought that the way nurse E8 acted was wrong, and that E8 was verbally abusive to R1.</p> <p>E6 (nurse aide) stated on 7/10/09 at 12:15 PM</p>			F 223			



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F 223	<p>Continued From page 4</p> <p>that she witnessed the incident between E8 and R1 on the morning of 7/7/08. E6 said that E6 was sitting next to R4 on the couch in the center area of the Unit reading a Bible story to residents around 9 AM that morning. E6 stated that E8 said "something like" the following to R1 at the time when R1 kept taking R4's pillow: "You'd better stop or I'll give you medication." E6 said that E8 told R1 to go to her room in a louder voice, while pointing in the direction down the hall. E6 said that E6 removed herself from the immediate area, and went over to fold blankets a short distance away. E6 said that she saw E8 on one side of R1 with E9 on the other side taking R1 down the hall to her room in a forceful manner. E6 said that after she came back from lunch, E6 noted bruising on R1's forearms.</p> <p>E6 stated that she had never seen anything like this happen on the Unit during the year she has worked there. E6 said that staff are usually able to calm R1 down during her behaviors. E6 said she thought E8 was trying to control R1's behavior before it led to other resident behaviors. E6 stated that E8's approach "crossed the line," and that E8 was abusive towards R1. E6 said she thought the problem was not how loud E8 talked to R1, but "how she said it."</p> <p>E7 (nurse aide) stated on 7/10/09 at 1:45 PM that she witnessed the incident between R1 and E8 on the Unit on the morning of 7/7/09 when nurse E8 told R1 she was going to call the doctor to get medication to "calm down" R1. E7 said E7 then went on break at about 9:15 AM. E7 stated that she did not think that E8 "should have said those things to the resident (R1) like that."</p> <p>E9 (nurse aide) stated on 7/10/09 at 3:05 PM that</p>			F 223			



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F 223	<p>Continued From page 5</p> <p>he has worked at the facility for about three years now, and had never witnessed staff to resident abuse until last Tuesday morning (7/7/09). E9 said that he was walking down a hallway of the Unit that morning when he heard E8 saying to R1, "I don't like your behavior" and "I have to call the doctor to get medication." E9 stated E8 said these things loud enough to R1 that E9 could hear them half-way down the hallway. E9 said that he then witnessed E8 say to R1 very loudly: "Just go to your room," while E8 was pointing in that direction. E9 said that a little later while he was charting nearby, he heard a commotion while E9 was facing the other direction. E9 said he turned around to see E8 holding R1's right arm at that time, with R1 struggling and striking out at E8. E9 said that E8 then asked him for help to walk R1 down to her room. E9 said that he then got on R1's left side, took her left arm, and walked R1 with E8 to R1's room. E9 stated that R1 resisted somewhat at the time.</p> <p>E9 said that when they arrived at R1's room, R1 sat on her bed, and E9 sat down next to R1. E9 said that E8 was "up and down" (referring to sitting or standing position in the room) while R1 and E8 argued "back and forth." E9 said that E8 was "very loud" when she was talking to R1 in the room, and that E9 was "uncomfortable" regarding this situation. E9 said that he had never seen E8 act like that towards a resident, but that E8 does have a "strong and opinionated" personality. E9 said that resident R1 was "mean" and was yelling at E8, while grabbing at the skin on E8's neck. E9 said that at no time in the resident room did E8 "get physical" with R1. E9 said that E8 told R1, "I am not going to let you out of this room until you tell me you are not going to bother or pick on (R4)." E9 said R1 refused to</p>			F 223			



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F 223	<p>Continued From page 6</p> <p>cooperate with E8 at first, but finally did tell E8 that "she would stop it." E9 said they all left the resident room then, and R1 no longer tried to take R4's pillow away.</p> <p>E9 stated that about five to ten minutes later, R1 came up to E8 and E9 and showed them her arms. E9 said that there was a bruise about the "size of a deck of cards or a little smaller" on R1's right arm. R9 said that he was uncomfortable about the comments that E8 had made toward a resident with dementia.</p> <p>E8 (nurse) stated on 7/10/09 at 2:35 PM that she became involved with the situation regarding R1 and R4's pillow on 7/7/09 at about 8:30 AM when an aide informed her of the problem. E8 said that R1 had taken R4's pillow three times, and that E8 told R1 that E8 needed to talk to R1 down in her room. E8 said that she took one of R1's arms, and E9 took R1's other arm, and they walked R1 down to her room. E8 said that R1 tried to "yank away" and punch or pinch E8 and E9 while they were walking R1 to the room. E8 said that she told R1 in the resident room that E8 would have to call the doctor and get medication for R1 if R1 would not stop being mean. E8 said that R1 told E8 that E8 "was not going to get medication in my (R1's) mouth." E8 stated that she told R1 that medication could be done by shots as well. E8 said she asked R1 to calm down and leave R4 alone. E8 said that R1 was then "fine" the rest of the day. E8 said that maybe ten to fifteen minutes after E8 left the room, R1 came up to E8 and said, "Look what you guys did to me," while R1 was rubbing her arms. E8 said that she "charted " on the bruises on R1's arms, made out an incident report, notified the physician and R1's POA (power of attorney) and sent an</p>			F 223			



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F 223	<p>Continued From page 7</p> <p>electronic-mail report to E2 regarding the matter.</p> <p>E8 stated that after lunch that day, she was sent home by her supervisor because of an allegation of abuse made against her, and that an investigation into the matter had begun.</p> <p>E2 (Social Service Director/Abuse Coordinator) stated on 7/10/09 at 9:50 AM that after his investigation into the abuse allegation made against E8 on the morning of 7/7/09, he concluded that E8 was not abusive to R1. E2 did state that E8 and other staff on the Unit are going to receive more training in the area of dealing with resident behaviors. E2 said that E8 will no longer be working on the Unit in the future due to E8's request to work in other areas of the facility. E2 said that E8 made this request because E8 expressed the belief that staff on the Unit were "out to get her." E2 stated that E8 had worked on the Unit twice a week, at the most.</p> <p>R1's admission Face Sheet was dated 3/13/08 for her original admit date. R1's Cumulative Diagnosis List dated 3/26/08 listed diagnoses including Dementia, Paranoia, Psychosis and Anxiety. R1's care plan under the Behavior section indicated that R1 will sometimes say rude or inappropriate things, to which staff are to remind the resident of the inappropriateness of R1's comments and redirect her attention to something else. R1's MDS (Minimum Data Set) assessment dated 5/4/09 indicated in the Cognitive Skills section that R1 was moderately impaired with poor decision-making skills requiring supervision/cueing.</p> <p>Interview with R1 on 7/7/09 at 11 AM was not possible due to R1's defensiveness and</p>			F 223			



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F 223	Continued From page 8 unwillingness to talk.			F 223			