

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

PRINTED: 12/06/2013  
FORM APPROVED  
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>14G207</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____  B. WING _____		(X3) DATE SURVEY COMPLETED  <b>C</b> <b>11/22/2013</b>
NAME OF PROVIDER OR SUPPLIER  <b>EMERALD ESTATES</b>			STREET ADDRESS, CITY, STATE, ZIP CODE <b>1577 EAST MYRTLE, P.O. BOX 232</b> <b>CANTON, IL 61520</b>		
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W 000	INITIAL COMMENTS	W 000			
W 149	<p>COMPLAINT INVESTIGATION #1323815/IL65437</p> <p>483.420(d)(1) STAFF TREATMENT OF CLIENTS</p> <p>The facility must develop and implement written policies and procedures that prohibit mistreatment, neglect or abuse of the client.</p> <p>This STANDARD is not met as evidenced by: Based on interview and record review, the facility failed to develop a policy regarding financial transactions between staff and residents, and failed to implement facility policy "Facility System For Maltreatment, Abuse, Neglect, Exploitation And Complaint Resolution" for 16 of 16 individuals in the facility. (R1-R16)</p> <p>Findings Include:</p> <p>1) A facility expense sheet dated 8/9/13 shows a check written from the 16 residents accounts for the total of \$889.28. Under the section titled "Written To" it states E1 [Administrator]. A facility expense sheet dated 9/04/13 shows a check written from the 16 residents accounts for the total of \$543.93 written to E1.</p> <p>The total are as follows:</p> <p>R1-8/9/13=\$29.43, 9/4/13=\$40.02 R2-8/9/13=\$41.20, 9/4/13=\$31.79 R3-8/9/13=\$55.33, 9/4/13=\$22.37 R4-8/9/13=\$198.95, 9/4/13=\$28.25 R5-8/9/13=\$41.20, 9/4/13=\$31.49 R6-8/9/13=\$31.78, 9/4/13=\$75.35 R7-8/9/13=\$34.73, 9/4/13=\$5.90</p>	W 149			

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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W 149	<p>Continued From page 1</p> <p>R8-8/9/13=\$61.21, 9/4/13=\$31.79 R9-8/9/13=\$34.73, 9/4/13=\$28.25 R10-8/9/13=\$5.79, 9/4/13=\$14.13 R11-8/9/13=\$43.56, 9/4/13=\$31.79 R12-8/9/13=\$43.56, 9/4/13=\$31.79 R13-8/9/13=\$46.50, 9/4/13=\$20.01 R14-8/9/13=\$171.87, 9/4/13=\$0 R15-8/9/13=\$17.67, 9/4/13=\$15.37 R16-8/9/13=\$31.78, 9/4/13=\$75.35</p> <p>The money was spent on items such as purses, lunch boxes, coin purses, wristlets, duffle bags and other type of personal items.</p> <p>E2 [Resident Services Director RSD, Qualified Intellectual Disabilities Professional, QIDP] was interviewed on 11/19/13 at 10:15am. When asked if these items were bought at a store, E2 stated that they were bought from a mail order type speciality company. E2 stated that they were "really nice bags." When asked who it is that is the salesperson who represents the mail order type speciality company and sold the items to the residents, E2 stated that it is E1. E2 stated that E1 had to pay for the items from her credit card and was then reimbursed. When asked if the facility has a policy regarding financial transactions between staff and residents, E2 stated, "I don't know."</p> <p>Facility roster [undated] provided at the start of the survey states that R6, R13, and R1 function in the Mild range of Intellectual Disability, R7, R9, R10, R11, R4, R5, R2, R15, and R16 function in the Moderate range of Intellectual Disability, R3, R8, and R12 function in the Severe range of Intellectual Disability, and R14 functions in the Profound range of Intellectual Disability.</p>	W 149			

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W 149	<p>Continued From page 2</p> <p>Facility policys were reviewed. E2 provided a policy titled "Resident Funds" which was undated. It does not contain direction regarding financial transactions between staff and residents. E2 was interviewed on 11/19/13 at 3:20pm. When asked if the policy titled Resident Funds was the only policy regarding resident funds, E2 stated yes. When asked if the facility has a policy regarding financial transactions between staff and residents, E2 stated no. E2 was interviewed on 11/19/13 at 10:15am. When asked if there is any staff who are or have been engaged in financial transactions between staff and residents, E2 stated yes. When asked who, E2 stated E1.</p> <p>R4 was interviewed on 11/19/13 at 1142am. An undated facility roster indicates R4 functions at the level of Moderate Intellectual Disability. R4 stated during interview she has a new lunchbox, CD bag and purse. R4 was asked if she bought these items. R4 stated, "No, [E1] did." R4 was asked if it came from her money, R4 stated, "Yes"</p> <p>R4 was asked if she if she went through a catalog and picked the colors and styles of the new items. R4 stated, "No, [E1] did."</p> <p>R5 was interviewed on 11/19/13 at 1150am. An undated facility roster indicates R5 functions at the level of Moderate Intellectual Disability. R5 was asked if he got a new bag. R5 stated that he did and uses it for his basketball stuff.</p> <p>R5 was asked who picked out the bag for him. R5 stated, "[E1] did." R5 was asked if he paid for the bag, R5 stated, "No, [E1] did." R5 was asked if his bag was a gift, R5 stated yes.</p> <p>R13 was interviewed on 11/22/13 at 903am. R13</p>	W 149			

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W 149	<p>Continued From page 3</p> <p>functions at the level of Mild Intellectual Disability according to an undated roster. R13 was asked if she received a new bag. R13 stated yes and proceeded to her room to get the bag. R13 had a brown and white bag with an embroidered initial on the front.</p> <p>R13 was asked if she paid for her bag. R13 stated yes. R13 was asked if she picked the bag out. R13 said no, E1 (Administrator) and E2, Residential Service Director (RSD) did.</p> <p>E2, RSD, was interviewed on 11/22/13 at 918am. E2 was asked if 16 residents from the facility received items from the August order totaling \$889.28. E2 stated yes.</p> <p>E2 was asked if 15 of 16 residents purchased items from E1 in September. E2 stated yes.</p> <p>Undated facility policy titled "Facility System For Maltreatment, Abuse, Neglect, Exploitation And Complaint Resolution" defines "Exploitation" as "Any act of forcing, compelling, or coercing an individual to perform services for the advantage of another, with or without injury. Illegal or improper use of an individual's funds, property, or assets without informed consent or using another person's money for purposes other than what it was intended to be used, and resulting in monetary, personal, or other benefit, gain, or profit for the perpetrator; or monetary or personal loss by the individual."</p> <p>Although facility policy "Facility System For Maltreatment, Abuse, Neglect, Exploitation And Complaint Resolution" recognizes the potential for "Exploitation" involved in financial transactions, the facility failed to develop a policy</p>	W 149			

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W 149	<p>Continued From page 4 which governs financial transactions between staff and residents.</p> <p>2) A document titled "Notes Regarding [E5, previous direct care staff] Complaint" dated 9/13/13 states, E5 "an employee at [the facility], felt that the residents at the facility shouldn't have spent extra money on a purchase from [the mail order type speciality company]." It continues, E5 "called the RSD [E2] on 9/12/13 very angry about this situation." It continues, "She was also upset that the checks (including what the staff personally ordered) were made out to the Administrator [E1]." The document titled Notes Regarding [E5] Complaint dated 9/13/13 contains a section "In conclusion" which lists 8 conclusions. It is signed by E1 and has a space for a signature for E2.</p> <p>An undated Facility Policy titled "Facility System For Maltreatment, Abuse, Neglect, Exploitation And Complaint Resolution" defines "Exploitation" as "Any act of forcing, compelling, or coercing an individual to perform services for the advantage of another, with or without injury. Illegal or improper use of an individual's funds, property, or assets without informed consent or using another person's money for purposes other than what it was intended to be used, and resulting in monetary, personal, or other benefit, gain, or profit for the perpetrator; or monetary or personal loss by the individual."</p> <p>Under the section titled "Reporting/Investigation" it states, "In the event the alleged employee is management level, the report will be made to the CEO directly and the CEO will conduct the investigation."</p>	W 149			

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W 149	Continued From page 5 E2 was interviewed on 11/19/13 at 2:30pm. When asked who the CEO of the facility is, E2 gave two names one of which is E3. When asked if either of the CEO's investigated the staff allegation against E1 [Administrator], E2 stated that they were aware of it but they did not come to the facility.  E3 [Chief Executive Officer, CEO] was interviewed by phone on 11/19/13 at 2:35pm. When asked if he was aware of the allegation of financial exploitation made against E1, E3 stated that he thought E1 notified him. When asked if he conducted the investigation into the allegation, E3 stated "I personally, no." E3 verified that there is another partner that would be considered a CEO. E3 stated that the other individual did not conduct an investigation either.	W 149			
W 247	483.440(c)(6)(vi) INDIVIDUAL PROGRAM PLAN  The facility failed to implement facility policy Facility System For Maltreatment, Abuse, Neglect, Exploitation And Complaint Resolution regarding an investigation when the alleged employee is management level.  The individual program plan must include opportunities for client choice and self-management.  This STANDARD is not met as evidenced by: Based on record review and interview the facility failed to provide choice of purchases for 16 of 16 residents who reside in the facility. (R1-R16)  Findings include:	W 247			

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W 247	<p>Continued From page 6</p> <p>According to an undated facility roster, there are 16 residents who reside in this facility. Of those, 3 function at the level of Mild Intellectual Disability, 9 function at the level of Moderate Intellectual Disability, 3 function at the level of Severe Intellectual Disability and 1 functions at the level of Profound Intellectual Disability.</p> <p>An "Expense sheet" dated 8/9/13 has check number 7228 written to E1, Administrator, in the amount of \$889.28. Attached are "Outside Order Forms" describing the products from an mail order speciality company for which E1 is a salesperson.</p> <p>Each of the residents in the facility, 16 in total, are listed having individual purchases for the month of August 2013 which range in individual sales price from \$5.76 to \$198.95.</p> <p>An "Expense sheet" dated 9/4/13 has check number 7396 written to E1 in the amount of \$543.93. Details show that 15 of the 16 residents who reside in the facility purchased products from E1.</p> <p>The individual sales price range from \$5.90 to \$75.35.</p> <p>R4 was interviewed on 11/19/13 at 1142am. An undated facility roster indicates R4 functions at the level of Moderate Intellectual Disability. R4 stated during interview she has a new lunchbox, CD bag and purse. R4 was asked if she bought these items. R4 stated, "No, [E1] did." R4 was asked if it came from her money, R4 stated, "Yes"</p> <p>R4 was asked if she if she went through a catalog and picked the colors and styles of the new items.</p>	W 247			

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W 247	<p>Continued From page 7</p> <p>R4 stated, "No, [E1] did."</p> <p>R5 was interviewed on 11/19/13 at 1150am. An undated facility roster indicates R5 functions at the level of Moderate Intellectual Disability. R5 was asked if he got a new bag. R5 stated that he did and uses it for his basketball stuff.</p> <p>R5 was asked who picked out the bag for him. R5 stated, "[E1] did." R5 was asked if he paid for the bag, R5 stated, "No, [E1] did." R5 was asked if his bag was a gift, R5 stated yes.</p> <p>R13 was interviewed on 11/22/13 at 903am. R13 functions at the level of Mild Intellectual Disability according to an undated roster. R13 was asked if she received a new bag. R13 stated yes and proceeded to her room to get the bag. R13 had a brown and white bag with an embroidered initial on the front.</p> <p>R13 was asked if she paid for her bag. R13 stated yes. R13 was asked if she picked the bag out. R13 said no, E1 (Administrator) and E2, Residential Service Director (RSD) did.</p> <p>E2, RSD, was interviewed on 11/22/13 at 918am. E2 was asked if 16 residents from the facility received items from the August order totaling \$889.28. E2 stated yes.</p> <p>E2 was asked if 15 of 16 residents purchased items from E1 in September. E2 stated yes.</p> <p>E2 was asked if these items totaled \$543.93. E2 stated yes.</p> <p>E2 was asked if all male residents received duffles. E2 stated yes.</p>	W 247			

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W 247	Continued From page 8  E2 was asked if the residents picked out their own items. E2 stated no.  E2 was asked how the items were selected. E2 stated that herself and E1 went through the catalog and selected items for the residents.  E2 was asked if the residents were asked if they would even like to purchase an item. E2 stated no.	W 247		