

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

PRINTED: 03/07/2016
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 145794	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED C 03/02/2016
NAME OF PROVIDER OR SUPPLIER FAIRVIEW HAVEN			STREET ADDRESS, CITY, STATE, ZIP CODE 605 NORTH 4TH STREET FAIRBURY, IL 61739		
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F 000	INITIAL COMMENTS	F 000			
F 225 SS=D	<p>Incident Report Investigation to Incident of 2/24/2016/IL 83695</p> <p>483.13(c)(1)(ii)-(iii), (c)(2) - (4) INVESTIGATE/REPORT ALLEGATIONS/INDIVIDUALS</p> <p>The facility must not employ individuals who have been found guilty of abusing, neglecting, or mistreating residents by a court of law; or have had a finding entered into the State nurse aide registry concerning abuse, neglect, mistreatment of residents or misappropriation of their property; and report any knowledge it has of actions by a court of law against an employee, which would indicate unfitness for service as a nurse aide or other facility staff to the State nurse aide registry or licensing authorities.</p> <p>The facility must ensure that all alleged violations involving mistreatment, neglect, or abuse, including injuries of unknown source and misappropriation of resident property are reported immediately to the administrator of the facility and to other officials in accordance with State law through established procedures (including to the State survey and certification agency).</p> <p>The facility must have evidence that all alleged violations are thoroughly investigated, and must prevent further potential abuse while the investigation is in progress.</p> <p>The results of all investigations must be reported to the administrator or his designated representative and to other officials in accordance with State law (including to the State survey and certification agency) within 5 working days of the</p>	F 225			

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 225	<p>Continued From page 1 incident, and if the alleged violation is verified appropriate corrective action must be taken.</p> <p>This REQUIREMENT is not met as evidenced by: Based on record review and interview, the facility failed to report an allegation of abuse to Illinois Department of Public Health for one of three residents (R1) reviewed for abuse in the sample of three.</p> <p>Findings Include:</p> <p>R1's undated face sheet documents the following Diagnoses: Delusional Disorder, Dementia with Behavioral Disturbances, Encephalopathy, Abdominal Pain, Macular Degeneration and Postmenopausal Atrophic Vaginitis.</p> <p>The facility Daily Census Report dated 3/1/2016 documents R1 as interviewable.</p> <p>R1's MDS (Minimum Data Set) dated 1/22/16 documents R1 is alert and oriented.</p> <p>R1's Care Plan dated 1/28/16 documents, "(R1) exhibits some forgetfulness and has shown some delusional tendencies. (R1) has a diagnosis of adjustment disorder with depressed mood and does exhibit some depression and anxiety.</p> <p>R1's Progress Notes dated 2/15/16 by E4 LPN (Licensed Practical Nurse) documents, "(E5 CNA (Certified Nursing Assistant)) reported this am that (R1) was upset and stating that (R1) was not a whore, but that (R1) had been raped; stated "I'm not a horrible person, I'm not a slut, that</p>	F 225			

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	<p>Continued From page 2</p> <p>bastard raped me." Also told (E5) that (R1) was "laying there naked and men were taking pictures of (R1) and looking at (R1)." Further told the nurse (E4) that "I just tried to tell someone my life story and they got it all mixed up." (R1) also told (E5) "I was offered a job in the Kitchen and I wasn't gonna take the job, she can have it." (R1) has a history of delusional thinking; (E3 SSD (Social Service Director)) updated and will contact family in regards to (R1's) past history...update sent to (Z1, R1's Physician) in regards to (R1's) delusional history, recent comments and medication increase on 2/10/2015."</p> <p>R1's Social Service Notes dated 2/15/16 by E3 documents, "(E3) had 1:1 visit with (R1) re: previous conversation with nursing today. (R1) described a scenario where she was in a gym on a stage with another woman who was also naked and a lot of people were looking at them. In the course of conversation, (R1) stated: "it may have been a bad dream, but it was so real." (R1) did not seem distressed and went on to tell (E3) stories of (R1's) life experiences. (E3) also talked to (Z2, R1's POA (Power of Attorney)). (Z2) states that (R1) has a history of delusional episodes at home (i.e. things flying thru the air at (R1) when (R1) was in bed). (Z2) states that (Z2) is not aware of any history of sexual abuse in (R1's) life.</p> <p>R1's Progress Notes also documents, "2/16/16 - (R1) became upset and tearful during shower this morning. Stating "Everything was good until I got raped ad then it was in the newspaper." When CNA {unnamed} offered reassurances, (R1) then stated, "I think I just dreamed that. I'm such a dummy."...2/18/16 Tearful this evening. When asked stated, "that man put my name in the</p>				

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F 225	<p>Continued From page 3</p> <p>newspaper again." ...2/21/16 (R1) stated, "they did naughty things to me."...2/24/16 (Z3 OT (Occupational Therapist) reported to this writer that (R1) was continuing to delusional thoughts about being sexually abused. This was reported to (E2 DON (Director of Nursing)) and (E3) for further investigation."</p> <p>On 3/1/16 at 9:30 am, E1 Administrator provided an Incident Report for Abuse/Neglect dated 2-24-16, which had been sent to IDPH (Illinois Department of Public Health) for R1. This Report documents, "(R1) claims she was taken into Therapy gym where she was raped in the middle of the night. She does not know the night it happened and has no idea who was involved. We are investigating the validity of the claim." This report did not mention anything about the initial allegation on 2/15/16. E1 stated that E1 was the Abuse Coordinator but that E2, E3 and E12 Director of Public Relations were all part of the abuse team.</p> <p>On 3/1/16 at 11:55 am, E2 DON stated, "(E5 CNA) was the first one to mention anything about (R1's) abuse allegation {on 2-15-16}. We did investigate what (R1) had said by having (E3) talk with (R1). (R1) wasn't able to give any specifics and (R1) said a lot of things during the conversation, it was all over the place, a bunch of short statements and jumbled thoughts. (E2) spoke with (Z1) and learned that (R1) has a history of delusional thinking so (Z1) gave an order for a new medication. (E2) can't recall exactly what was said but the Nursing documentation on 2-15-16 has direct quotes of what (R1) told to (E5)." (E1 Administrator) was gone at the time so (E2) spoke with (E12, who use to be the Administrator</p>	F 225			

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F 225	<p>Continued From page 4</p> <p>at the facility and E3 SSD) about what (R1) had said. (E3) then went and talked with (R1). Clearly it {R1's allegation} wasn't true. We did not do up a report and report it to IDPH because we felt like it was a delusion. Then, when (R1) reported it to (Z3 OT) on 2-24-16 with more details, we decided we needed to do another investigation to make sure it really was just delusional thinking...that is when we sent the report to IDPH." E2 confirmed that the documentation was accurate and that R1 had initially claimed she had been raped.</p> <p>On 3/1/16 at 1:05 pm, R1 was sitting in R1's room. R1 was tearful and stated, "someone had it out for me. A girl, I don't know who it was, woke me up at 1:30 am and took me down to where I do therapy. She said I needed to have an X-ray. When I got down there, I was cold and realized that I didn't have much on. There were men standing all around. I think I passed out because I don't remember anything other than one of them said, "is it my turn next?" When I came to, I was in my room and my mouth was chapped and my tummy was tender. Another time, that girl took me to the gymnasium with another person and we where both naked on stage and people were taking pictures of me. Things are better now except now my son and grandson have been killed." R1 is unable to recall who the "girl" was, what color her hair was or the built. R1 stated, "All I could see was shadows and I could hear people talking, I never really saw the girl or the men, but I could tell they were men from the sound of their voices."</p> <p>On 3/1/16 at 4:20 pm, E3 stated, "(E3) was asked to talk with (R1) by (E2 DON and E12 Director of Public Relations) regarding the report (R1) had made to (E5 CNA). (R1) told me of a scenario in</p>	F 225			

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F 225	<p>Continued From page 5</p> <p>which (R1) and another lady where up on a gym stage, naked and people were taking pictures of them. (R1) never mentioned being raped to me. The situation was a dream scenario with no real specifics; no perpetrator, no date or time was mentioned, and after having talked with (Z1 and Z2) and learning about (R1's) history of delusions, we did not consider it an allegation of abuse, therefore it was not reported to public health."</p> <p>On 3/1/16 at 4:30 pm, E1 stated, "(E1) was aware of (R1's) initial statements made on 2-15-16 but we didn't consider it abuse. There was no substance to (R1's) story: no perpetrator, location {cause we don't have a gym} or time. (R1) has a history of delusions. (R1) even stated to (E3) that it might have been a dream so we treated it as such. On 2-24-16 (R1) talked about it to (Z3 OT), (R1) had said that (R1) had been raped. At that time, (R1) had a story with more substance including a location, and we had something to actually investigate, so it was reinvestigated and reported {this time}. We came up with the same conclusion...it didn't happen."</p> <p>On 3/2/16 at 8:40 am, E12 stated, "(E2 and E12) talked about (R1's) situation and we had (E3) talk to (R1) about it. We really just thought it was something from (R1's) past that was coming out, or a dream. Nothing (R1) mentioned was true; we didn't offer (R1) a job and we {facility} don't have a gym and there is no way that a gang of men came into this facility in the middle of the night. After talking with (Z1) and hearing about (R1's) delusional past, we didn't consider it an allegation of abuse and that's why it was never reported.</p> <p>The facility's Abuse and Neglect Prevention Protocol Policy dated 5/15/15 documents, "It is</p>	F 225			

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F 225	Continued From page 6 the policy of this facility to not knowingly tolerate abuse or neglect of its residents by any individual...the following policy definitions, criteria and guidelines shall be used to determine abuse, neglect, and related reporting requirements...Abuse means the willful infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish...sexual abuse may include but not limited to any sexual penetration or conduct...All alleged reports of abuse or neglect shall be reported by phone or fax to IDPH within two hours of the incident and in writing within five days of the incident. Investigation will be performed by Abuse Prevention Coordinators and will include staff and resident interviews. The Abuse Prevention Coordinators are responsible to make sure all internal and State reporting requirements are done properly and timely.	F 225			
F 226 SS=D	483.13(c) DEVELOP/IMPLMENT ABUSE/NEGLECT, ETC POLICIES The facility must develop and implement written policies and procedures that prohibit mistreatment, neglect, and abuse of residents and misappropriation of resident property. This REQUIREMENT is not met as evidenced by: Based on record review and interview, the facility failed to operationalize their Abuse and Neglect Policy for reporting an allegation of abuse for one of three residents (R1) reviewed for abuse in the sample of three. Findings Include:	F 226			

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F 226	<p>Continued From page 7</p> <p>The facility's Abuse and Neglect Prevention Protocol Policy dated 5/15/15 documents, "It is the policy of this facility to not knowingly tolerate abuse or neglect of its residents by any individual...the following policy definitions, criteria and guidelines shall be used to determine abuse, neglect, and related reporting requirements...Abuse means the willful infliction of injury, unreasonable confinement, intimidation or punishment with resulting physical harm, pain or mental anguish...sexual abuse may include but not limited to any sexual penetration or conduct...All alleged reports of abuse or neglect shall be reported by phone or fax to IDPH within two hours of the incident and in writing within five days of the incident. Investigation will be performed by Abuse Prevention Coordinators and will include staff and resident interviews. The Abuse Prevention Coordinators are responsible to make sure all internal and State reporting requirements are done properly and timely.</p> <p>R1's undated face sheet documents the following Diagnoses: Delusional Disorder, Dementia with Behavioral Disturbances, Encephalopathy, Abdominal Pain, Macular Degeneration and Postmenopausal Atrophic Vaginitis.</p> <p>The facility Daily Census Report dated 3/1/2016 documents R1 as interviewable.</p> <p>R1's MDS (Minimum Data Set) dated 1/22/16 documents R1 is alert and oriented.</p> <p>R1's Care Plan dated 1/28/16 documents, "(R1) exhibits some forgetfulness and has shown some delusional tendencies. (R1) has a diagnosis of adjustment disorder with depressed mood and</p>	F 226			

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F 226	<p>Continued From page 8 does exhibit some depression and anxiety.</p> <p>R1's Progress Notes dated 2/15/16 by E4 LPN (Licensed Practical Nurse) documents, "(E5 CNA (Certified Nursing Assistant)) reported this am that (R1) was upset and stating that (R1) was not a whore, but that (R1) had been raped; stated "I'm not a horrible person, I'm not a slut, that bastard raped me." Also told (E5) that (R1) was "laying there naked and men were taking pictures of (R1) and looking at (R1)." Further told the nurse (E4) that "I just tried to tell someone my life story and they got it all mixed up." (R1) also told (E5) "I was offered a job in the Kitchen and I wasn't gonna take the job, she can have it." (R1) has a history of delusional thinking; (E3 SSD (Social Service Director)) updated and will contact family in regards to (R1's) past history...update sent to (Z1, R1's Physician) in regards to (R1's) delusional history, recent comments and medication increase on 2/10/2015."</p> <p>R1's Social Service Notes dated 2/15/16 by E3 documents, "(E3) had 1:1 visit with (R1) re: previous conversation with nursing today. (R1) described a scenario where she was in a gym on a stage with another woman who was also naked and a lot of people were looking at them. In the course of conversation, (R1) stated: "it may have been a bad dream, but it was so real." (R1) did not seem distressed and went on to tell (E3) stories of (R1's) life experiences. (E3) also talked to (Z2, R1's POA (Power of Attorney)). (Z2) states that (R1) has a history of delusional episodes at home (i.e. things flying thru the air at (R1) when (R1) was in bed). (Z2) states that (Z2) is not aware of any history of sexual abuse in (R1's) life.</p>	F 226			

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F 226	<p>Continued From page 9</p> <p>R1's Progress Notes also documents, "2/16/16 - (R1) became upset and tearful during shower this morning. Stating "Everything was good until I got raped ad then it was in the newspaper." When CNA {unnamed} offered reassurances, (R1) then stated, "I think I just dreamed that. I'm such a dummy."...2/18/16 Tearful this evening. When asked stated, "that man put my name in the newspaper again." ...2/21/16 (R1) stated, "they did naughty things to me."...2/24/16 (Z3 OT (Occupational Therapist) reported to this writer that (R1) was continuing to delusional thoughts about being sexually abused. This was reported to (E2 DON (Director of Nursing)) and (E3) for further investigation."</p> <p>On 3/1/16 at 9:30 am, E1 Administrator and Abuse Coordinator provided an Incident Report for Abuse/Neglect dated 2-24-16, which had been sent to IDPH (Illinois Department of Public Health) for R1. This Report documents, "(R1) claims she was taken into Therapy gym where she was raped in the middle of the night. She does not know the night it happened and has no idea who was involved. We are investigating the validity of the claim." This report did not mention anything about the initial allegation on 2/15/16 and E1 stated that a report was not generated for the inital comments/allegations R1 made on 2-15-16.</p> <p>On 3/1/16 at 1:05 pm, R1 was sitting in R1's room. R1 was tearful and stated, "someone had it out for me. A girl, I don't know who it was, woke me up at 1:30 am and took me down to where I do therapy. She said I needed to have an X-ray. When I got down there, I was cold and realized that I didn't have much on. There were men standing all around. I think I passed out because I</p>	F 226			

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F 226	<p>Continued From page 10</p> <p>don't remember anything other than one of them said, "is it my turn next?" When I came to, I was in my room and my mouth was chapped and my tummy was tender. Another time, that girl took me to the gymnasium with another person and we where both naked on stage and people were taking pictures of me. Things are better now except now my son and grandson have been killed." R1 is unable to recall who the "girl" was, what color her hair was or the built. R1 stated, "All I could see was shadows and I could hear people talking, I never really saw the girl or the men, but I could tell they were men from the sound of their voices."</p> <p>On 3/1/16 at 4:20 pm, E3 stated, "(E3) was asked to talk with (R1) by (E2 DON and E12 Director of Public Relations) regarding the report (R1) had made to (E5 CNA). (R1) told me of a scenario in which (R1) and another lady where up on a gym stage, naked and people were taking pictures of them. (R1) never mentioned being raped to me. The situation was a dream scenario with no real specifics; no perpetrator, no date or time was mentioned, and after having talked with (Z1 and Z2) and learning about (R1's) history of delusions, we did not consider it an allegation of abuse, therefore it was not reported to public health."</p> <p>On 3/1/16 at 4:30 pm, E1 stated, "(E1) was aware of (R1's) initial statements made on 2-15-16 but we didn't consider it abuse. There was no substance to (R1's) story: no perpetrator, location {cause we don't have a gym} or time. (R1) has a history of delusions. (R1) even stated to (E3) that it might have been a dream so we treated it as such. On 2-24-16 (R1) talked about it to (Z3 OT), (R1) had said that (R1) had been raped. At that time, (R1) had a story with more substance</p>	F 226			

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

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FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 145794	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED C 03/02/2016
NAME OF PROVIDER OR SUPPLIER FAIRVIEW HAVEN			STREET ADDRESS, CITY, STATE, ZIP CODE 605 NORTH 4TH STREET FAIRBURY, IL 61739		
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F 226	Continued From page 11 including a location, and we had something to actually investigate, so it was reinvestigated and reported {this time}. We came up with the same conclusion...it didn't happen." On 3/2/16 at 8:40 am, E12 stated, "(E2 and E12) talked about (R1's) situation and we had (E3) talk to (R1) about it. We really just thought it was something from (R1's) past that was coming out, or a dream. Nothing (R1) mentioned was true; we didn't offer (R1) a job and we {facility} don't have a gym and there is no way that a gang of men came into this facility in the middle of the night. After talking with (Z1) and hearing about (R1's) delusional past, we didn't consider it an allegation of abuse and that's why it was never reported.	F 226			