

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

PRINTED: 08/26/2005
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 145935	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED C 06/21/2005
NAME OF PROVIDER OR SUPPLIER PROVENA ST JOSEPH CENTER			STREET ADDRESS, CITY, STATE, ZIP CODE 659 EAST JEFFERSON STREET FREEPORT, IL 61032		
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F9999	<p>FINAL OBSERVATIONS</p> <p>STATE LICENSURE FINDINGS:</p> <p>Section 300.1210 General Requirements for Nursing and Personal Care</p> <p>a) The facility must provide the necessary care and services to attain or maintain the highest practicable physical, mental, and psychological well-being of the resident, in accordance with each resident's comprehensive assessment and plan of care. Adequate and properly supervised nursing care and personal care shall be provided to each resident to meet the total nursing and personal care needs of the resident.</p> <p>b) General nursing care shall include at a minimum the following and shall be practiced on a 24-hour, seven day a week basis:</p> <p>3) Objective observations of changes in a resident's condition, including mental and emotional changes, as a means for analyzing and determining care required and the need for further medical evaluation and treatment shall be</p>	F9999			

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F9999	<p>Continued From page 18</p> <p>made by nursing staff and recorded in the resident's medical record.</p> <p>Section 300.3240 Abuse and Neglect 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) f) Resident as perpetrator of abuse. When an investigation of a report of suspected abuse of a resident indicates, based upon credible evidence, that another resident of the long-term care facility is the perpetrator of the abuse, that resident's condition shall be immediately evaluated to determine the most suitable therapy and placement for the resident, considering the safety of that resident as well as the safety of other residents and employees of the facility. (Section 3-612 of the Act)</p> <p>These REGULATIONS are not met as evidenced by:</p> <p>Based on observation, record review, and interview, the facility failed to keep 3 female residents (R2, 3, 4) free from 4 incidents of sexual abuse by (R1). Staff did not know how to respond to and relay 3 witnessed incidents of sexual abuse by R1, a registered sex offender, to Administration; did not follow R1's care plan and recommendations of the psychologist; and did not keep R1's probation officer informed of the incidents.</p> <p>This is for one (R1) registered sex offender and 3 female residents (R2, 3, 4). There are 82 female residents in the facility.</p>	F9999			

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F9999	<p>Continued From page 19</p> <p>These failures contributed to a 4th incident of sexual abuse of inappropriate touching and to two of the residents (R2, R4) being visibly upset and/or crying.</p> <p>Findings include:</p> <p>R1 has diagnoses to include Depression, Cerebral Vascular Accident, and Transient Ischemic Attacks on the Physician Order Sheet dated 6/6/05.</p> <p>R1's Minimum Data Set (MDS) dated 3/21/05 and 6/15/05 identifies him as independent in cognitive skills for decision making.</p> <p>R1's nurses notes document the following incidents:</p> <p>01/04/05 1345 ' 1) (R1) wanted CNA to get in bath with him; 2) touch her private parts; 3) tried to place his toes in CNA's private parts. '</p> <p>1/23/05 2000 'asking to "pet the kitty", grabbed nurse's crotch.'</p> <p>01/30/05 2000 'R1 in dining room and was caught with his hand in female resident (R3) groin area. R1 redirected and told that is not appropriate behavior. Will continue to monitor.' This notation was made by E4 (nurse).</p> <p>02/01/05 (days) 'nurse noticed R1 touching and rubbing his hand on (R4's) leg. R4 looked very upset and unable to articulate her thoughts and feelings.'</p>	F9999			

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F9999	Continued From page 20 02/26/05 11:54 a.m.- 'Approximately 11:30 a.m. A resident (R2) was wheeling herself past R1 and R1 reached out and stopped (R2's) wheelchair and grabbed (R2's) right breast. Two nurses went immediately to (R1) and told him he can not do this to anyone anymore. That touching other people in inappropriate place could get him into trouble. (R1) did acknowledge this.' Both of these incidents were noted by E3(nurse). 03/10/05 'R1 is alert, oriented, and pleasant. Occasional inappropriate comments, I.E. let me pet the kitty. Occasional episodes of touching other residents...' 6/14/05 2:11 p.m. '01/30/05 and 6/14/05. Dietary aide reported to nurse here that she (E9) saw R1 fondling another resident (R3) on A-wing Short. R1 was told to leave the dining room that he doesn't eat in.' On 6/20/05 at 12 p.m. E4 was asked if she had reported the incident of 1/30/05 to Administration. E4 stated, "I don't remember that far back in January. I know I'm to document it and pass it on to the front office. I can't recall if I passed it on or not." On 6/20/04 at 10 a.m. E3 was asked why didn't she report the incidents of 02/01/05 and 02/26/05 to Administration. E3 stated, "Now that I am aware of abuse, you should notify the DON, family, and doctor. To be honest, I didn't realize I had to report it. I thought that charting was enough. I don't recall telling anyone."	F9999			

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F9999	<p>Continued From page 21</p> <p>On 6/15/05 at 9:25 a.m. E9 states, "At approximately 1:30 p.m. I witnessed R1 in the A dining room in his wheelchair sitting next to R3. R1 eats in the B dining room but went through the A dining room. E9 observed R3 shaking her head back and forth. E9 went over to the 2 residents and noticed R1's hand rubbing R3's vaginal area. When E9 got next to R1 and R3, R1 was removing his hand from R3's vaginal's area. R1 told E9 that R3 had "food or something in her lap". R3 did not have anything in her lap. R3 had a clothing protector on. R1 had his hand under R3's clothing protector in her vaginal area."</p> <p>On 6/17/05 at 11:30 a.m. R1 was interviewed. R1 states, "I don't remember touching the females inappropriately but I have been accused of it.". R1 was able to recall the correct day of the week, the year, the month, number of children he has and where they live, his birthday, and the name of his roommate.</p> <p>R2's MDS dated 1/04/05 and 04/01/05 assesses her as independent for cognitive skills for daily living.</p> <p>On 6/17/05 at 8:40 a.m. R2 was interviewed. R2 states, "I feel 'voided'. I still have trouble forgetting it. He (R1) touched me on my breast. (R1 placed her hand on her breast area). I hope it does not happen anymore. I told 3 people-nurse and the aides." R1 began to cry.</p> <p>R4's MDS dated 1/18/05 and 4/20/05 shows her as independent for cognitive skills for daily living. On 6/15/05 at 11:30 am. E5 states, "R3 is alert and oriented. She cannot speak but she can nod</p>	F9999			

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F9999	<p>Continued From page 22 or shake her head for yes and no."</p> <p>On 6/15/05 at 11:38 a.m. R4 nodded her head "yes" when asked if she had been touched inappropriately by a male resident. On 6/17/05 at 8:35 a.m. R4 shook her head side to side when ask how it made her feel when she was touched inappropriately.</p> <p>R3's MDS dated 2/12/05 and 5/04/05 assesses her as moderately impaired in cognitive skills for daily decision-making.</p> <p>On 6/17/05 at 8:50 a.m. R3 was unable to answer any questions about the incidents of 1/30/05 and 6/14/05.</p> <p>On 6/15/05 at 11:20 a.m. E11 stated, "The Police come regularly to check that R1 is still here." E 11 called the Police to verify this information. After calling the Police, E11 stated "They (Police) were last here 05/01/03." E11 has never called R1's Probation Officer regarding any incidents of his inappropriate behaviors.</p> <p>On 6/17/05 at 4:40 p.m. Z1 stated, "I have not been in direct contact with the facility. I talk with his daughter. I have not been notified of any of R 1's inappropriate behaviors."</p> <p>On 6/15/05 at 9:30 a.m. until 11:30 a.m. R1 was observed sitting in the lounge area in a recliner located approximately 5 feet from R3. On 6/15/05 at 1 p.m. E2 stated, "R1 does not usually sit there . R3 was placed there due to getting back from breakfast late."</p> <p>R1's care plan dated 4/27/05 states, "When</p>	F9999			

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F9999	<p>Continued From page 23</p> <p>possible position resident away from female residents in public areas."</p> <p>R1's consultation notes dated 3/28/05 from Z2 (psychologist) states, 'R1 was oriented to person, place, time and circumstances... fluent memory is impaired... staff are encouraged to increase their monitoring of R1 around any female patients, particularly those that may be cognitively impaired or disabled and unable to protect themselves... if R1's behavior continues, R1 current cognitive ability does not preclude directly addressing his behavior with him. R1's Dementia is not so far progressed that he is not aware of what he is doing and he is aware that it is inappropriate...'</p> <p>On 6/15/05 at 9 a.m. E1 (Administrator) and E2 (Director of Nurses) stated they were not aware of R1's incidents of inappropriate behaviors on 01/30/05, 02/01/05, and 02/26/05. "Staff did not tell us." E1 and E2 were aware that R1 was a registered sex offender upon admission to the facility.</p>	F9999			