

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

PRINTED: 03/19/2007
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 14E313	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED C 08/08/2006
NAME OF PROVIDER OR SUPPLIER LASALLE COUNTY NURSING HOME			STREET ADDRESS, CITY, STATE, ZIP CODE RURAL ROUTE 1 OTTAWA, IL 61350		
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F 490	Continued From page 41 A post test was also presented to all those in attendance. 07/30/06 The remaining staff were inserviced. Between Saturday and Sunday ' s inservices 64 of the 68 employees were trained. The remaining 4 employees will be inserviced prior to working their next scheduled shift. 08/01/06 The administrative staff was inserviced by a consulting service From this point on, the consulting service will provide ongoing oversight to monitor for compliance in the areas outlined in F155, F223, F225, and F490. County Sheriff ' s office at the facility to begin an investigation into the abuse incident. Formal 5 Day Final Investigation Report was faxed to Regional Public Health Office. Discipline Action forms were sent to the alleged perpetrators of the abuse indicating their indefinite suspension.	F 490			
F9999	FINAL OBSERVATIONS Licensure Violations 300.1210a) 300.3240a) 300.3240b) 300.3240d) 300.3240e) Section 300.1210 General Reuirements for Nursing and Personal Care a) The facility must provide the necessary care and services to attain or maintain the highest	F9999			

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F9999	Continued From page 42 practicable physical, mental, and psychosocial 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. Section 300.3240 Abuse and Neglect a) AN OWNER, LICENSEE, ADMINISTRATOR, EMPLOYEE OR AGENT OF A FACILITY SHALL NOT ABUSE OR NEGLECT A RESIDENT. (Section 2-107 of the Act) 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) 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) e) EMPLOYEE AS PERPETRATOR OF ABUSE. WHEN AN INVESTIGATION OF A REPORT OF SUSPECTED ABUSE OF A RESIDENT INDICATES, BASED UPON CREDIBLE EVIDENCE, THAT AN EMPLOYEE OF A LONG-TERM CARE FACILITY IS THE PERPETRATOR OF THE ABUSE, THAT EMPLOYEE SHALL IMMEDIATELY BE BARRED FROM ANY FURTHER CONTACT WITH RESIDENTS OF THE FACILITY, PENDING THE OUTCOME OF ANY FURTHER INVESTIGATION, PROSECUTION OR	F9999			

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F9999	<p>Continued From page 43</p> <p>DISCIPLINARY ACTION AGAINST THE EMPLOYEE. (Section 3-611 of the Act)</p> <p>Based on observation, interview and record review, two facility staff physically and emotionally abused 1 of 1 resident (R1) by holding her down and doing a dressing change after the resident stated she did not want the treatment done. The facility failed to recognize this as an abusive situation. It was not reported to the Administrator and an investigation was not done; therefore, both staff members involved were allowed to continue providing care to facility residents. The two licensed nurses carried out a treatment to R1's pressure sore after having been told repeatedly by the resident that she did not want the treatment done. This incident resulted in the resident receiving a large bruise to her right hand and a skin tear which required treatment to her left forearm. R1 cried for two days following the incident and was still fretful and tearful nine days later. R1 states she no longer feels she can trust these two staff members and has refused medications and further treatment from them.</p> <p>Findings Include:</p> <p>During an interview with R1 on 7/27/06 at 10:30 AM, R1 stated that on 7/18/06, E2 (Director of Nursing) and E3 (Rehabilitation Nurse) entered her room and told her they needed to measure her pressure sore on her coccyx. R1 stated that she told them at this time that she did not want the bandage to her coccyx. R1 told E2 and E3 that she is allergic to tape and the area around the pressure sore hurts and it is painful when the bandage is removed. R1 stated that E2 told her that she needed to measure the pressure sore to</p>	F9999			

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F9999	<p>Continued From page 44</p> <p>see if it was improving. R1 stated that she told them again that she did not want the adhesive bandage put back on. R1 said they assured her they only wanted to measure the area. R1 stated that E3 rolled her onto her side and held her so E2 could measure. R1 stated that after E2 (Director of Nursing) measured the area, she started putting the bandage on. R1 stated that she "fought with everything I had" trying to roll onto my back to keep E2 from putting the bandage on, but E3 held her arms so tight that she couldn't get onto her back. R1 stated that she was trying to pull her left arm free, but in the process her watch cut her arm, requiring four steri strips to close it. R1 stated that she was yelling and crying for them to stop but they would not stop. R1 stated that E2 applied the bandage on her coccyx during the struggle. During this interview, R1 choked up while talking, tears ran down her face. It was difficult for her to talk. R1 stated that she cried all that day and a couple of days after that. R1 stated that she was very hurt to think nurses would treat a person like that. R1 stated that she doesn't trust these two nurses anymore.</p> <p>R1 stated that on 7/18/06, she refused all cares the rest of the day. R1 stated that E4 (Social Service Director) came into her room later on that day. R1 stated that she showed E4 the bandage on her arm, the bruise on her right hand and told her that the nurse held her down and applied the bandage to her bottom after she refused twice to let them put the adhesive bandage on. R1 stated that E4 told her that she needed to allow the nurses to do her treatment. R1 stated that E4 told her that it might be better if she moved, that maybe she would be happier somewhere else. R1 stated that she told E4 she was allergic to the</p>	F9999			

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F9999	<p>Continued From page 45</p> <p>tape and it was painful when they pulled the tape off and that is why she refused it. R1 said that she told E4, "I have my rights and I can refuse treatment."</p> <p>R1 stated that she called her granddaughter after the incident and told her the facility was kicking her out and she wanted to go back to Streator. R1 said there was a bed available and she was going to move. R1 stated that she spoke to the Ombudsman on 7/20/06 regarding this incident and asked her to report it for her. R1 stated that on 7/19/06, her granddaughter came to help her pack to move. R1 stated that she asked her granddaughter to take pictures of her injuries, but E2 (Director of Nursing) would not allow it, said it was against the law.</p> <p>According to R1's face sheet, she is an 86-year-old-female with diagnoses of Congestive Heart Failure, Chronic Obstructive Pulmonary Disease, Arterial Sclerotic Heart disease, Chronic Atrial Fibrillation and Macular Degeneration. According to the physician's order sheet for July 2006, R1 has a past history of a Cerebral Vascular Accident and Fractured Vertebrae of the Neck. The admission Minimum Data Set (MDS) (a Federally mandated assessment) dated 1/4/06, and the most recent quarterly MDS dated 6/14/06, show that R1 is independent in decision making. On both MDS's under behavior symptoms R1 is noted as resisting care 4 to 6 days during the observation week. There were no other behaviors exhibited.</p> <p>R1's care plan Component by Social Services dated 1/06, updated 3/06 and again on 6/06, lists Problem as Resident non-compliant taking meds, turning and repositioning and personal</p>	F9999			

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F9999	<p>Continued From page 46</p> <p>care. Approaches include: offer medication three times, explain the importance of medications, explain skin integrity issues, when resident resists care- staff will leave room and make arrangements with resident to approach later that day. NOTE: (R1) does not like to get up or clean up until after TV program is over. More receptive to personal cares after TV programs and before lunch. In this care plan component there is no mention of resident striking out at staff, or being physically abusive or verbally abusive. No behaviors are listed except non-compliance.</p> <p>On 8/1/06 at 10:30 AM, Z1 (granddaughter) was interviewed by telephone regarding the incident on 7/18/06. Z1 stated that R1 was physically and emotionally hurt over this incident. Z1 stated that on 7/19/06 when she went to the facility to help R1 move, R1 told her that E2 (Director of Nursing) and E3 (Rehab Nurse) held her down and put a bandage on her coccyx after she refused two times to have it done. Z1 stated that R1 showed her the bandage on her arm and the bruise to her right hand. Z1 stated that E2 (Director of Nursing) told Z1 that R1 got the laceration to the left forearm when she was trying to hit the nurses during the treatment.</p> <p>During this same interview, Z1 stated that she spent the day at the facility meeting with R1, E2 and E4 (Social Service Director) regarding this incident and other things that were bothersome. Z1 stated that E4 said that she indicated to R1 that it might be better if she moved, but E4 didn't say she was kicking her out. Z1 stated that on this same day (7/19/06) that R1 asked her to take pictures of her arm and hand, but E2 told her it was against the law and Z1 couldn't take a picture. Z1 said, "Grandmother is very</p>	F9999			

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F9999	<p>Continued From page 47</p> <p>emotionally upset over this incident. She cried for days." Z1 stated that her mother (R1's daughter) who is R1's Power of Attorney called her on 7/31/06 and told her that the facility is insisting that R1 have a psychiatric evaluation to determine her competency because of this investigation. Z1 stated that she knows her grandmother is of sound mind and is able to make her own decisions about her care. Z1 stated, "I am a nurse and I know that (R1) is alert and oriented and able to make her own decisions."</p> <p>During an interview with E4 (Social Service Director) on 7/27/06 at approximately 3:30 PM, E4 stated that R1 told her she got the skin tear and the bruise to left arm trying to hit the nurses when they were putting a dressing that she had refused on her bottom. E4 stated that she talked with the resident and told R1 she needed to cooperate with the nurses. E4 stated that R1 was not combative with care, R1 just wanted the care done when she wanted it. E4 stated that R1 had certain programs that she watched and she didn't want to be bothered at these times. E4 stated that R1's daughter was aware of her non-compliance and "vindictive" ways. During this interview after E4 stated that R1 told her the nurses held her down and put a bandage on her bottom after she told them two times that she did not want it, E4 was asked if she did not consider this abuse? E4 stated "no, the physician ordered this treatment and the nurses were following the physician's orders. (R1) hurt herself when she tried to hit the nurses."</p> <p>The Social Service notes in the chart from 12/05 until present state that R1 started refusing to go to dining room, refusing adhesive treatments to</p>	F9999			

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F9999	<p>Continued From page 48</p> <p>her coccyx, and refusing cares before 10:30 AM. In these same notes there is record of phone conversations with the daughter (POA) about R1's noncompliance, but there is no evidence in these notes that E4 asked R1 why she was refusing certain cares.</p> <p>On 7/27/06 at 1:00 PM, E1 (Administrator) stated that she was aware of the incident on 7/18/06. E1 stated that R1 received a skin tear when she swung at two of her nurses, E2 (Director of Nursing) and E3 (Rehab Nurse) during a treatment to her pressure sore. E1 said she did not investigate the incident because there was no reason to-- R1 received a skin tear during a treatment to her coccyx. E2(DON) and E3 (RN/Rehab Nurse) both filled out witness reports. E1 stated (in response to being questioned if she had talked to R1 about the incident) that she talks to R1 almost on a daily basis as she does the other residents. E1 and surveyor talked to R1 about the incident on 7/18/06. R1 told E1 exactly what she had reported to surveyor in an earlier interview. R1 told E1 that E2 and E3 held her down and forced a bandage on her bottom. R1 showed E1 the bruise on the back of her right hand and showed her the bandage on her arm from E3 holding on to her while she was struggling to get away. E1 told her how hurt she was that two nurses would do that to her. E1 told R1 how important it was to have treatment done to the pressure sore. E1 also told her about the consequences of not allowing treatment, pressure sore getting worse and maybe even death. R1 stated that she was aware of all that but she knew her rights and she has the right to refuse treatment. R1 told E1 that she was allergic to the tape and it was painful when the nurses pulled the tape off.</p>	F9999			

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F9999	<p>Continued From page 49</p> <p>After leaving R1's room E1 stated that she didn't believe that E2 and E3 would purposely hurt R1. E1 stated "they are both good nurses." E1 stated that she did not think it was abuse, that they were trying to treat the pressure sore as the physician ordered. E1 stated that she did not think that E2 and E3 would go into the resident's room with the intent to harm her.</p> <p>During an interview with E2 (Director of Nursing) on 7/27/06 at 5:00 PM, E2 stated that R1 received a skin tear on her left forearm when she hit the other nurse (E3) and herself fighting them when they tried to put adhesive bandage on her coccyx. The treatment was ordered for R1 so "they were doing it." E2 was asked about her charting dated 7/18/06 in the nurses notes that the resident "refused treatment two times," yet E2 and E3 continued with the treatment. E2 stated that the resident "let them do it." E2 had no explanation as to why the resident was fighting if she "let them do it."</p> <p>During an interview with E3 (Rehab Nurse) on 7/27/06 at 4:00 PM, E3 stated that she assisted E2 (Director on Nursing) with the dressing change on R1 on 7/18/06. E3 said she held R1 over on her side to allow E2 to measure the wound. "When (E2) started to put the bandage on (R1), she started fighting." E3 stated that R1 allowed them to measure. E3 stated that she didn't consider this doing the treatment against R1's wishes. When asked regarding the nurses notes of 7/18/06 that R1 refused the treatment two times yet the treatment was done anyway, E3 said she did not consider it abuse, "I did not hold her down that hard." E3 stated that R1 hit both nurses when she was struggling, that is</p>	F9999			

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F9999	<p>Continued From page 50</p> <p>how she got the skin tear on her left forearm. E3 stated that she was unaware of any bruise covering the whole back of her right hand.</p> <p>On 7/21/06, E3 charted in the nursing notes at 9:30 AM, "When this nurse approached (R1) to administer 8 AM medication resident stated, 'I don't think I should take those, I don't trust you.' This nurse informed her she has the right to refuse her meds. She stated, 'I'll take them, but I still don't trust you.' Oral medication administered. Res agreed to have treatment to coccyx."</p> <p>Nurses notes by E5 (Licensed Practical Nurse) on 7/19/06 at 11:00 AM regarding treatment to pressure sore on that day indicates that "(R1) refused all morning medication, treatment to left forearm also. 'No I don't want it done. My granddaughter is coming after 2 PM to take a picture! Don't do the butt treatment either,' unable to convince her and to ensure clean area to coccyx pressure ulcer to promote healing. Accepted AM cares ... but nothing else. Also refused to go out on resident trip today as previously arranged, 'My granddaughter is coming.'"</p> <p>R1's treatment administration records from 3/9/06 - 5/22/06 indicate that R1 was receiving wet to dry dressing with 2 inch by 2 inch packing cover with Duonex every other day. May 2006 treatment administration record indicates that R1 was allowing these treatments to be done until 5/22/06 when it was changed to Bag Balm twice a day. According to the treatment administration record of 7/06 Bag Balm was continued until 7/14/06 when the treatment was changed to Fibracol 2x2 with Bordard foam incont</p>	F9999			

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F9999	<p>Continued From page 51</p> <p>(incontinence) proof 4x4 to coccyx once a day. On 7/20/06, the treatment to R1's coccyx was changed again to Fibracol 2x2 with Telfa dressing with paper tape only.</p> <p>During an interview with R1 on 7/28/06 at 3:00 PM, when asked why the treatment was changed on 5/22/06 to Bag Balm, R1 stated that she started refusing the treatments because the tape they were using hurt her when they pulled it off. It was irritating her skin because R1 is allergic to adhesive tape. R1 stated that her physician and E4 (Social Service Director) came in to talk to her about refusing treatment. R1 stated she told her physician the reason she refused and he changed the order to Bag Balm. R1 stated that she never refused the Bag Balm, it made the sore feel better. R1 stated that on 7/14/06, the nurse told her that she had a new treatment for her coccyx from the wound consultant. R1 stated that she told the nurse, "good maybe it will finally heal." R1 stated she tried the new treatment that day and on the 15th, but it hurt awful when they pulled the dressing off. The adhesive tape made her skin sore around the pressure sore. R1 stated that "it felt like the skin was coming off with the tape." R1 said she refused the bandage on the 16th and 17th of July and told the nurses why. On July 18th the nurses put it on even though she refused. R1 stated that they changed the treatment again on 7/20/06 to a bandage using a non allergenic paper tape. R1 stated that she has been letting them do this dressing to her coccyx on the afternoon shift since, but she has refused some of the day shift nurses because she does not trust them.</p> <p>The treatment administration record for July indicates that R1 refused to allow the dressing</p>	F9999			