

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

PRINTED: 11/21/2007
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 145850	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED C 03/09/2007
NAME OF PROVIDER OR SUPPLIER WESTSHIRE NURSING & REHAB CTR			STREET ADDRESS, CITY, STATE, ZIP CODE 5825 WEST CERMAK ROAD CICERO, IL 60804		
(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETION DATE	
F 490	Continued From page 9 incident report alleging sexual assault and E2 said she had not seen it but it was a concern. The facility's policy states that in the case of abuse of a physical nature prompt interventions and notification of the Administrator, D.O.N., and Medical Director will be initiated. The facility was unable to provide surveyor with documentation to support the timely initiation of their Abuse Protocol.	F 490			
F9999	FINAL OBSERVATIONS LICENSURE VIOLATIONS 300.1210a) 300.1210b)6) 300.3240a) 300.3240f) Section 300.1210 General Requirements for Nursing and Personal Care 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. b)6) All necessary precautions shall be taken to assure that the residents' environment remains as free of accident hazards as possible. All nursing personnel shall evaluate residents to see that each resident receives adequate supervision and assistance to prevent accidents. Section 300.3240 Abuse and Neglect a) An owner, licensee, administrator, employee	F9999			

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F9999	<p>Continued From page 10</p> <p>or agent of a facility shall not abuse or neglect a resident.</p> <p>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>This REQUIREMENT is not met as evidenced by:</p> <p>Based on observation, interview and record review the facility failed to ensure the safety of residents in the building by not adequately supervising one resident (R1) after he was accused of sexually assaulting another resident, R2. This failure resulted in the facility not taking the appropriate measures to protect all residents from potential harm after the allegation of sexual assault was made known.</p> <p>Findings include:</p> <p>R2 is a 22 year old female with diagnoses including Bipolar Affective Disorder with mixed personality traits and recent episode of suicidal ideation. R2 was admitted to the facility on 03/01/07 from the local hospital. Review of an incident report completed by E3 (registered nurse on duty) dated 03/03/07 at 6:45pm noted the following information: "This female resident reported that a male peer in Rm# (lists room and bed number) forced her to have sex with him x two nights. She said that she told him 'no' and</p>	F9999			

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F9999	<p>Continued From page 11</p> <p>that she tried to push him off of her and also told him to get off of her and to get out of her room. The pt's room mate said that she did hear pt. say no and to get off her."</p> <p>The incident was reported to E3 by R2's mother who was visiting R2 in the facility. E3's report further stated that the administrator (E1) was notified, both R1 and R2 were interviewed, police were notified and the physician and psychiatrist were paged. R2 was sent to the hospital for evaluation and her family signed her out of the facility A.M.A. (against medical advice). R1 was taken to the police station for further questioning and was released back to the facility 2 hours later.</p> <p>The facility's Preliminary 24 hour Incident Investigation Report prepared by E2, ADON (Assistant Director of Nurses) was not submitted until 3/5/07, two days after the incident was initially reported to staff. E2 was interviewed by surveyor and stated that she was not on duty when the incident was reported and just came back to work on Monday 3/5/07. Surveyor asked E2 if R1 was being monitored and what measures were being taken to protect other female residents from R1. E2 stated that she was told that the sex between R1 and R2 was consensual and R1 was not being monitored more closely. E2 was shown a copy of the incident report stating the allegation against R1. E2 said she had not seen that report yet. E2 also stated that she had not yet spoken to R1 or E3 (the nurse who filled out the incident report. The only person who was interviewed by E2 was one CNA (certified nurses aide).</p> <p>Review of the record for R1 noted that he is a 27</p>	F9999			

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F9999	<p>Continued From page 12</p> <p>year old male who was readmitted to the facility on 01/16/07 with diagnoses including Schizophrenia and seizure disorder. R1's nursing notes and Social Service progress notes revealed the following:</p> <p>On 01/18/07 R1 grabbed another resident who had wandered from another floor claiming that the other resident was in his room last night. R1 was redirected and he let go of the other resident. R1 was reminded that his behavior was unacceptable.</p> <p>On 01/20/07 R1 went into a male peer's room and propositioned him for sexual contact. R1 was told to stay away from the male peer.</p> <p>On 01/20/07 at 12:00am resident was too close in proximity and attempting to hug CNAs inappropriately stating, "you're going to be my wife," "you're going to be my girlfriend," and "I want to date you."</p> <p>On 01/21/07 the 24 hour report also noted that R1 had made inappropriate sexual advances towards female staff. He was placed on 1:1 monitoring and counseled. When confronted with the allegations by staff on 01/22/07 R1 denied the accusations.</p> <p>On 01/27/07 R1 was noted to be verbally aggressive towards a female peer and made threats that he would follow her to the bathroom. R1 was counseled by staff that he should not get upset with female peers who are not sexually attracted to him and that he should concentrate on his treatment rather than getting involved in a sexual relationship.</p>	F9999			

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F9999	<p>Continued From page 13</p> <p>On 02/19/07 R1 was counseled for reportedly wandering into a female peer's room. R1 stated that he may have but he must have been tired and did not remember.</p> <p>On 02/24/07 R1 was again counseled for making sexual comments to a male peer, which he denied. Surveyor interviewed E5, R1's PRSC (Psychosocial Rehabilitative Services Coordinator) and asked her about R1's inappropriate sexual behaviors .E5 stated that R1 does have these behaviors and that is why he is here. E5 also stated that R1 is not on a 1:1 monitoring, he is being monitored by the staff but no differently than usual. Review of the care plan for R1 noted that he is not care planned for sexually inappropriate behavior.</p> <p>E6 (CNA) told surveyor that she observed R1 and R2 sitting on R1's bed eating food on 03/02/07 around 3:15pm. R1 became angry with E6 for coming into the room and proceeded to curse at her, telling her to mind her own business and stay out of his room. E6 also stated that she did not want to repeat the words he used and that he has cursed at her before. E6 apologized to R1 and left the room. Surveyor toured the sixth floor where R1 resides and asked staff if there were any residents currently being monitored more closely. Staff members shook their heads no.</p> <p>(A)</p>	F9999			