

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>14G168</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____	(X3) DATE SURVEY COMPLETED  <b>C</b> <b>10/31/2007</b>
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NAME OF PROVIDER OR SUPPLIER  <b>BELLEFONTAINE PLACE</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>98 DEBRA LANE, P.O. BOX 225 WATERLOO, IL 62298</b>
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W 227

~~July re-admission~~

W9999 FINAL OBSERVATIONS

W9999

**LICENSURE VIOLATIONS**

- 350.610a)
- 350.620a)
- 350.700a)1)2)
- 350.750b)3)
- 350.750c)1)3)4)5)
- 350.750d)
- 350.750e)
- 350.3240a)

**Section 350.610 Management Policies**

a) The facility's governing body shall exercise general direction of the facility, and shall establish the broad policies and procedures for the facility related to its purpose, objectives, operation, and the welfare of the residents served.

**Section 350.620 Resident Care Policies**

a) The facility shall have written policies and procedures governing all services provided by the facility which shall be formulated with the involvement of the administrator. The policies shall be available to the staff, residents and the public. These written policies shall be followed in operating the facility and shall be reviewed at least annually.

**Section 350.700 Serious Incidents and Accidents**

a) The facility shall notify the Department of any incident or accident which has, or is likely to have, a significant effect on the health, safety, or welfare of a resident or residents. Incidents and

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**W9999** Continued From page 79

accidents requiring the services of a physician, hospital, police or fire department, coroner, or other service provider on an emergency basis shall be reported to the Department.

1) Notification shall be made by a phone call to the Regional Office within 24 hours of each serious incident or accident. If the facility is unable to contact the Regional Office, notification shall be made by a phone call to the Department's toll-free complaint registry number.

2) A narrative summary of each serious accident or incident occurrence shall be sent to the Department within seven days of the occurrence.

Section 350.750 Contacting Local Law Enforcement

b) The facility shall immediately contact local law enforcement authorities (e.g., telephoning 911 where available) in the following situations:

3) Sexual abuse of a resident by a staff member, another resident, or a visitor.

c) The facility shall develop and implement a policy concerning local law enforcement notification, including:

1) Ensuring the safety of residents in situations requiring local law enforcement notification;

3) Contacting police, fire, ambulance and rescue services in accordance with recommended procedure;

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W9999	<p>Continued From page 80</p> <p>4) Seeking advice concerning preservation of a potential crime scene;</p> <p>5) Facility investigation of the situation.</p> <p>d) Facility staff shall be trained in implementing the policy developed pursuant to subsection (c).</p> <p>e) The facility shall also comply with other reporting requirements of this Part.</p> <p>Section 350.3240 Abuse and Neglect</p> <p>a) An owner, licensee, administrator, employee or agent of a facility shall not abuse or neglect a resident. (Section 2-107 of the Act)</p> <p>These REGULATIONS are not met as evidenced by:</p> <p>Based on record review and interviews, the facility failed to implement their policies to prevent neglect for 2 of 2 residents in the sample when the facility:</p> <p>1) Failed to ensure client protection for R1 and R2.</p> <p>2) Failed to ensure the development and implementation of a Sexual Inappropriateness behavior program for R1.</p> <p>3) Failed to ensure an immediate medical examination for R2.</p> <p>4) Failed to ensure the gathering of evidence which would facilitate an investigation and assist</p>	W9999		

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W9999	<p>Continued From page 81</p> <p>in the potential prosecution of the alleged perpetrator of a sexual assault.</p> <p>5) Failed to ensure the notification of the appropriate State Agencies.</p> <p>6) Failed to ensure the implementation of it's written policy/procedure "Individual Rape or Sexual Assault."</p> <p>7) Failed to ensure the implementation of it's written policy/procedure for reporting and investigating incidents and allegations of abuse and neglect titled "Investigative Committee."</p> <p>8) Failed to ensure the implementation of it's written policy/procedure "Physical Injury and Illness/Individual Medical Emergencies."</p> <p>Findings include:</p> <p>1) Upon entering the facility on 9/17/07 at 10:30AM the Administrator, E1, and the Qualified Mental Retardation Professional (QMRP), E2, stated to the surveyor that they knew why she was there-- that the mother of R2 informed them that she was going to complain about the sexual encounter between R1 and R2 this weekend; and that they had completed their investigation and determined it was consensual sex. Upon request the surveyor was given a copy of R1's and R2's Individual Service Plans (ISP) and their Functional Sexual Assessments.</p> <p>The "Physical Characteristics" face sheet and the 6/28/07 ISP identify R2 as a 52 year old verbal ambulatory female who is 5' 5 1/2" tall and weighs 178 lb. R2 has resided at this facility since 2/24/88.</p>	W9999		

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W9999	<p>Continued From page 82</p> <p>This ISP further states that R2 has the diagnoses of Moderate Mental Retardation, Organic Psychosis, Schizophrenia, and leucopenia. R2 takes 12.5 mg of the Zyprexa once a day and Amantadine 10mg twice a day to reduce the side effects of the Zyprexa. R2 is her own guardian and, at this time according to the ISP, her parent is uninterested in becoming her guardian.</p> <p>R2's ISP states the following:</p> <p>a) "is occasionally sharp with others and rude. She will curse at others calling girls 'bitch'. She will interrupt others' conversations to make her needs known."</p> <p>b) "has a long standing diagnosis of psychosis and experiences auditory and visual hallucinations. She describes people knocking on her door, talking to her, and a man in a black hat coming to get her."</p> <p>c) "will talk and laugh with herself."</p> <p>d) "cannot state where she lives or the address."</p> <p>e) "has trouble completing the last 5 letters of her last name."</p> <p>f) "has poor concentration and memory."</p> <p>g) "is able to follow directions but sometimes has difficulty with conceptual ideas."</p> <p>h) "requires verbal praise and approval for accomplishments."</p> <p>i) "will often ask 'did I do good?' or 'Am I in</p>	W9999		
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W9999	<p>Continued From page 83 trouble?"</p> <p>j) "enjoys wearing makeup."</p> <p>The 6/10/07 Functional Sexual Assessment, completed by E2, states that R2 will follow commands/directions of strangers; does not masturbate or touch own genitals; does not identify an individual as a significant other; does not engage in sexual behavior such as kissing, fondling with significant other or multiple persons; does not engage in sexual intercourse with significant other or with multiple persons; and does not understand the reason for contraception use.</p> <p>The 3/16/07 Psychological Report states that R2 has a Full Scale IQ of 40 and an adaptive score of 6 years and 4 months on the Scale of Independent Behavior-Revised (SIB-R).</p> <p>R2's structured Behavior Program is for hallucinations. These hallucinations are defined as verbal or auditory, including making any non-reality based statements, laughing with no apparent reasons, seeing people that are not there, talking to people that are not there, hearing voices and seeing objects.</p> <p>Determined by review of R2's quarterly psychiatric evaluations of 5/1/06, 7/24/06, 10/16/06, Z10 had identified that R2's psychosis is improving and that the present treatment was effective.</p> <p>However, R2's next psych evaluation of 4/2/07 identifies that R2 has at times shown indications of being apprehensive of some of her male fellow residents. Z10 states that "Patient appears more psychotic than she was on her last visit. Her</p>	W9999		
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apprehension of certain fellow residents might have led to the increase of her psychotic symptoms." Z10 then recommends an increase in R2's Zyprexa.

The 3/16/07 Psychological Report identifies R1 as a 19 year old ambulatory verbal male with a speech impairment who was admitted to this facility on 2/15/07 from a local state operated facility. He was admitted there in August of 2006. "He was reportedly transported to (name of facility) via 911 and police due to aggressive and destructive behavior."

Per this report, R1's diagnoses includes Moderate MR, Autism, Bi-polar Disorder, Aggressive Behavior, Sleep Deprivation, Speech Disorder, Status Cleft Palate partially repaired, Attention Deficit Hyperactivity Disorder, and Oppositional Defiant Disorder.

This psychological report states the following:

"R1 has significant behavior issues. He does not like to be told what to do by staff and becomes both physically and verbally aggressive. His physical aggression includes property destruction, attempts to harm himself, and attempts to harm others. R1 has reportedly lifted up his bed and slammed it on the floor, broken closet doors, stomped on decorative room accessories, punched doors and walls, and punched the VCR. He also slams his body against walls and dressers. R1 has set off door alarms and pulled a fire extinguisher on the van while he and other residents were being transported. He often removes his seatbelt on the van, gets up, pounds and kicks seats, and bounces up and down. In the short time that R1 has been at (the facility),

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staff have had to pull the van over twice in order to deal with R1's behaviors. Shortly after this assessment, R1 busted two televisions and one microwave at his workshop. He has also become physically aggressive with staff. On one occasion, he took his medication out of his mouth and attempted to force it into the mouth of a staff member. He also pounded his hands on the hood of a staff member's vehicle. With regard to verbal aggression, R1 has been noted to use curse words and racial slurs. R1 is currently on two behavioral programs: Physical Aggression and Property Destruction."

This report further states: "R1's maladaptive behaviors also include sexual inappropriateness. He exhibits flirtatious behaviors with staff and has grabbed staff inappropriately in private areas. Staff also reported that R1 was once found completely nude and masturbating in the bathroom at work. His day training behavior contract somewhat addresses these behaviors; however he is not currently on a program at home to address these behaviors. The target behaviors included in his day training behavior contract are inappropriate language to female peers and staff, aggressively acting out, hiding in the bathroom, saying hurtful things to peers, and not following directions from staff."

The examiners (Z6, Z7) also identify in this report that R1 was "extremely talkative, easily distracted, and very difficult to re-direct."

According to this report "R1 was also sexually inappropriate during testing. Soon after returning from the restroom for the second time during testing, R1 was observed to begin, what looked like, scratching his genital area outside of his

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W9999	Continued From page 86 pants and stated 'it itches.' The examiners told him that he would need to talk to the staff at home about it and attempted to re-direct his attention to the test. R1 did not stop the behavior, and it became apparent to the examiners that he was not scratching himself, but actually rubbing the area and had an erection. R1 stated he needed to use the restroom. The examiners explained that he had just gone to the restroom and attempted to re-direct him to the task, but R1 was unable to be re-directed. He went to the restroom and returned to the testing area independently. When he returned he told the examiners that he gets in trouble by the staff when he masturbates in the restroom, and admitted that that was what he just did. (Day training and facility) staff were informed of this incident."  This psychological report also identifies the following:  a) R1 has a Full Scale IQ of 40 and a Broad Independence score of 7 years and 0 months on the SIB-R.  b) He is socially and sexually inappropriate.  c) He is verbally and physically aggressive and is known to destroy property.  d) He exhibits difficulty in withholding from sexual and aggressive impulses. "Specifically, R1's behaviors are most associated with Intermittent Explosive Disorder, which is characterized by failure to resist impulses that result in serious assaultive acts or destruction of property. In addition, the degree of aggressiveness is grossly out of proportion to any precipitating stressor."	W9999		

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W9999	<p>Continued From page 87</p> <p>At this time the examiners recommended that the facility continue implementing current behavior programs for Physical Aggression and Property destruction and that a behavior program for Sexual Inappropriateness be devised and implemented.</p> <p>As confirmed by 9/26/07 11:44AM interview with E2 and record review, there is no evidence of the facility following through with the recommendation to develop the sexual inappropriateness program other than a generic circles program following July re-admission.</p> <p>There is no evidence that the governing body followed up to ensure the program was developed.</p> <p>Per the facility's "Physical Characteristics" face sheet, R1 is 5' 10" tall and weights 167 lbs.</p> <p>The Physician's Order Sheet states that R1 takes the medications Seroquel 800mg. and Depakote ER 1500 mg. daily.</p> <p>R1's ISP of 3/12/07 states under DISCHARGE PROGNOSIS the following:</p> <p>"The CST (community support team) questions whether an ICF/MR 16 facility is an appropriate placement for R1 at this time. He requires 24-hour supervision and active treatment services due to the substantial limitations displayed in the life areas of Self-Direction, Learning, Capacity for Independent Living, and Self-Care, Communication. The prognosis for R1 to move to a less restrictive environment is poor at this time. R1 may need a more restrictive environment due to his aggressive behavior and</p>	W9999		
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W9999	<p>Continued From page 88</p> <p>lack of ability to control that behavior."</p> <p>This ISP further states "Functional Sexual Assessment was completed on 2/15/07. R1 has limited knowledge of opposite sex bodily functions. However he is highly sexual(ly) oriente(.) frequently talking about girlfriends, flirting, and sex. R1 does masturbate on a frequent/daily basis rubbing himself raw in the act. He is appropriate with this behavior and will go to his room and/or bathroom. He was found undressed in the restroom at day training during a work period masturbating. It is reported he sometimes leaves the work floor inappropriately and is found in the restroom masturbating."</p> <p>This ISP fails to identify R1's maladaptive behaviors of sexual inappropriateness such as grabbing staff in their private areas. There is no evidence that the governing body has followed up to ensure ISP accuracy.</p> <p>Some of the Sexual assaults/attempts, physical aggression, and incidents by R1 at the residential (Res.) and the Day Training (DT) sites documented after the above 3/16/07 psychological report are as follows:</p> <p>DT site 3/20/07 12:15PM--R1 "grabbed Z8's (DT staff) breast, started fondling her, trying to kiss her and holding her close while rubbing his pelvis against her. At this point Z8 was trying to get out of his hold + Z9 was verbally telling R1 he was not being appropriate. At this point Z9 went to look for assistance from other staff + seeing they were busy with other clients, she came back to find R1's continuing his behavior + Z9 told Z8 to try to move towards the door. At this time, Z8 was able to push his face away from her breast therefore</p>	W9999		
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W9999	<p>Continued From page 89</p> <p>releasing his hold on her + she was able to walk out of the office leaving R1 in the office."</p> <p>DT site 4/12/07 12:15PM--R1 "pushed" female staff "up against the wall and was pressing himself up to" her "trying to feel" her. Staff "yelled and another staff came out of her room, and got him off of" her.</p> <p>DT site 4/12/07 12:10-12:45PM--R1 attacked (female name) sexually assaulting her. DT coordinator intervned and R1 ran out of the building attempting to cross the Route 3 highway.</p> <p>DT site 5/23/07 3:15PM--R1 attempted to grab staff's breast.</p> <p>DT site 5/30/07 3:00PM--R1 stated that he touched R2's "private area" the previous day.</p> <p>Res. site 6/5/07 approximately 4:54PM--Per local police department incident report 07-1654, R1 had eloped from the facility and was located at a "tavern;" he was attempting to drink other patrons' drink; became "disruptive and acting out by turning tables over and being very vocal." R1 was transported and admitted to a local state operated facility.</p> <p>As confirmed by record review and 9/17/07 1:14PM interview with the QMRP, E2, the public health department was not notified of this elopement because "technically we had him visually at all times." There is no evidence that the facility followed up to ensure public health notification. According to the police report, R1 was missing from approximately 4:54PM until 5:09PM when the dispatcher identified his location.</p>	W9999		
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W9999 Continued From page 90 W9999

Per local state operated facility's Discharge/Transfer Summary, R1 was discharged back to this facility on 7/10/07.

As confirmed by e-mail of 6/6/07 9:44AM from Z1, and 9/26/07 1:40PM interview, the DT requested "a meeting to do proper planning," but the meeting never occurred.

There is no evidence that the facility followed up to ensure proper planning for R1 following his return to the facility.

E2's e-mail reply to Z1 of 6/8/07 9:00AM, states the following:  
"I think that is great. I would hold off on that for now until we hear of his progress. There is a chance (although slight) that he won't be coming back. He was transported by police from (name of) tavern after he ran off from here. He was cuffed and transported to a holding cell where he spit, peed on the floor, and kicked a hole in the wall. His behavior lasted about 2 hours. Police would only release him to pysch ward or (state operated facility) and parents chose (state operated facility)."

As confirmed by 9/26/07 11:44AM interview with E2 no (ISP) meeting and/or an Interdisciplinary Team (IDT) special staffing occurred upon R1's readmission to the facility. There is no evidence that the facility followed up to ensure a re-admission staffing.

E2 stated that they had a discharge meeting at the facility, came back with a few suggestions and were basically told by them that there was no reason to change his ISP. One of the

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W9999	<p>Continued From page 91</p> <p>recommendations, per 7/10/07 discharge/transfer sheet meeting notes, was that "there be more than one staff person in a vehicle when transporting him to and from activities, etc."</p> <p>E2 stated during a 9/26/07 12:32PM interview that the only new program she added to his previous ISP (3/12/07) was a Compliance behavior program. Per review, the long term goal of this program is that R1 will decrease periods of non-compliance to less than four per month by 7/31/08. The program design has no operational definition of noncompliance. It states the following, "Appropriate behavior includes polite to peers and staff, keep hands to self, refrain from self bodily harm, refrain from breaking personal/facility belongings, roommate personal items, refrain from breaking facility furniture and accessories and remain on property. R1 will learn alternatives to call names, tease others, or act out with aggression or destruction i.e. inappropriate behavior." This program further states R1 "is very intelligent and knows how to play all angles in any situation."</p> <p>Further Sexual Assaults/ attempts, physical aggression and incidents by R1 are as follows:</p> <p>Res. site 7/11/07 by E4 "I picked R1 up for a meeting at home. He was in the passenger seat. He reached over and tickled my side. I removed his hand and firmly asked him to keep his hands to himself. He reached over again and grabbed my crotch. Again I removed his hand and explained it is inappropriate to touch others. He said sorry and asked that I not tell Q." Per 9/18/07 10:07AM interview, E4 stated she was driving the van when he grabbed her crotch. (One day after recommendations for more than one</p>	W9999		
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W9999	<p>Continued From page 92 staff person in the vehicle during transport.)</p> <p>Progress note of 7/16/07 by E2 states that she contacted R1's mother to pick up an R-rated movie found in R1's possession.</p> <p>Res. site 7/28/07--Progress note states R1 "told DSP that he touched R2 inappropriately. He stated that he touched her breasts + humped her."</p> <p>Res. site 8/3/07--9:30PM-Progress note, by E11, states R1 "got upset and came at me and pinned me against the bathroom door by my arms," when he was asked by this staff to turn down the music he was playing, because his roommate was sleeping.</p> <p>DT site 8/7/07 9:30AM--a client R10 "yelled out" at R1 "to keep his hands to himself as they were working at the same table of the work floor." R10 stated to staff that R1 touched female down below.</p> <p>This Adverse Incident Report continues to say that staff "asked her if R1 touched her and she said yes. She stated R1 touched her private area as she pointed down below." Staff asked R1 if he did and "he stated that he did and that he couldn't help himself."</p> <p>Res. site 8/16/07 4:30PM--E6's Progress note documented that R1 came into the kitchen telling her he liked her hair and eyes then put his head on her shoulder and tried to kiss her on her cheek.</p> <p>Res. site 8/29/07 8-8:30AM--Progress note by E6 states that she was in the kitchen washing dishes when R1 came up behind her and thrust his</p>	W9999		
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W9999	<p>Continued From page 93</p> <p>pelvis into her backside.</p> <p>Res. site 8/31/07 6-6:10PM--Per Progress note, R1 informed staff that they needed to wash roommate's teddybear because he had ejaculated on it.</p> <p>At Church picnic 9/5/07 3:45-3:45PM--E10 documented in a Progress note that R1 laid his head on her shoulder and started to rub her arm and back then tried to unhook her bra.</p> <p>Res.site10/2/07 4:10-4:12PM progress note, R1 informed staff that he used R7's (roommate's) teddy bear to masturbate on.</p> <p>Res. site 10/2/07 6:45--7:30PM progress note, identifies R1's behaviors of calling staff a "bitch" and the property destruction of throwing his lamp at wall pictures and flipping bed over, punching window, pulling blinds etc.</p> <p>Res. site per 10/17/07 6:15-7:15PM progress note, the 10/22/07 police report 07-6787, and per 10/22/07 interviews with E5, E8, E10, and Z16, R1 had a behavior of physical aggression and property destruction. He was noted to be punching the facility's windows, leaving the property, running out into the road in front of cars, destroying flower pots, halloween decorations etc.</p> <p>Per 10/22/07 5:15PM phone interview, the police were in the neighborhood on 10/17/07, saw all the debri in the road and the people walking around. They saw R1, 15 feet from them holding a large concrete planter which he then threw to the ground and started kicking. Z15 stated he hollered for R1 to come here and he did. He did</p>	W9999		



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W9999	<p>Continued From page 94</p> <p>not resist arrest. He was asked to lay down. He did, and they handcuffed him. Z1 continued that he was a witness to what R1 did last time when he was arrested where he "messed up a holding cell, kicked the wall until it cracked, beat his head continuously against the wall." Z15 stated the facility did not want to press charges. He asked E8 "do you want him to go to the hospital?" and was told yes. R1 was transported to local hospital by ambulance.</p> <p>According to the 10/17/07 7:50PM Emergency Room (ER) report, R1's primary diagnosis was Aggressive Behavior (Resolved) with orders to follow up with psychiatrist in 1-2 days. R1 was discharged to E2 at 9:40PM. Per phone interview of 10/23/07 4:44PM, E2 stated that the medications given to R1, in the ER, were Haldol, Seroquel and Depakote.</p> <p>According to 9/24/07 4:05PM interview, Direct Support Person (DSP) E8 stated she was having a sex education class at the facility about 1-2 months ago in which only R1 and R13 participated. During this class she had asked R1 and R13 if they had ever had sex and R1 responded, "yeah, my parents caught me with a 6 year old." E8 further stated that she informed E2 of his statement and wanted to know whether or not this should be documented. E8 stated that she was told she should not document his statement because she had no facts of with who or when this occurred.</p> <p>The facility's form GP-15 PROGRESS NOTES by E8 states the following:</p> <p>"September 15, 2007 (approx. 9:24AM-955AM) R2 came up to me and said R1 laid naked on my</p>	W9999		

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W9999	<p>Continued From page 95</p> <p>stomach. R2 was sitting within hearing distance and I asked him. He said he did it privately in his room. I called E3 and told her the above. She said to ask R2 if she was hurt and to call E2 and have E2 call her. I asked R2 if she was hurt and she said "yes" pointing/indicating her pelvic area. I called E2 and told her to call E3. I checked R2 for bruises and her left arm had 5 red/bluish spots (dime to approx. quarter size) on wrist. Right arm had 2 red/bluish spots (dime to approx. quarter size) on wrist."</p> <p>E8 stated, per 9/24/07 10:25AM phone interview, 9/24/07 4:05PM interview and 10/9/07 12:05PM phone interview, that when she walked into the facility, R2 came right up to her. This was about 9:24AM. I told R2 just one moment and clocked in. E8 stated that R2 was extremely nervous and had to tell somebody. R2 stated R1 laid naked on my stomach. E8 continued to say that R1 was in the living room and she walked over to him and asked him what happen. R1 just said "I did it privately." E8 indicated that the staff have been guarding R1 a long time, that R1 is an individual stalking every female in the building and that R2 is like a child.</p> <p>E8 stated she immediately called the on call administrator, E3, and told her exactly what she wrote down on the GP-15. E8 further stated that is what we are trained to do, any allegations call immediately. E8 stated that she did not make an allegation of rape. She stated "I was trying to keep everyone upbeat and unaware of what had happened." E8 stated that when E3 arrived at the facility, she told E3 that R1's bed clothing was in the furnace room and that R2 was still wearing the same clothing. According to E8, E3 indicated to her that they may not need that. E8 continued,</p>	W9999		
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W9999 Continued From page 96 W9999

we have been taught to place every thing in a brown bag. When asked if she referred to the facility's abuse and neglect policy, E8 stated that she did not need to refer to the abuse and neglect policy that she had just been trained (9/14/07) by E3.

DSP E4 stated, per 9/18/07 10:07AM and 9/26/07 10:16AM interviews, that she was the only staff in the facility from 7:30-9:30AM on 9/15/07 due to a staff person calling off. Normally there are two staff. E4 indicated that 12 residents, R15, R7, R10, R13, R11, R6, R8, R3, R4, R9, R1 and R2, were home.

E4 stated that she was clocking out for her shift and walking out of the room when E8 told her the discussion she had with R2. "She said that R2 said that R1 had laid on top of me naked." E4 stated that she was not happy with the time she (E4) documented on the PG 15 progress note. E4 explained that it had to have happened between 9:15-9:30AM because that was when she was really busy finishing her shift. E4 continued to say she was loading the dishwasher, finishing breakfast, and waiting for R10 to get his meds. E4 stated, during that time frame, she was either in the kitchen, dining room, or the medication room.

E4 continued that R2 indicated that she was hurt and asked "Do I have to go to the hospital?" R2 was shook up and nervous, questioning whether she was in trouble. R1 was just nervous wanting to know who was being called and about the paperwork. He did not want us to tell E2. R1 was stating at this time, that "everyone makes mistakes." E4 stated "Nothing else but sexual assault crossed my mind."

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W9999 Continued From page 97

W9999

E4 stated that then R1 decided to take a shower and she asked him not to, but she could not stop him. E4 continued that when he was in the shower, she grabbed all his sheets, the comforter and a pair of underwear that was on the floor that she suspected he had been wearing. E4 stated that she thought she was suppose to gather any clues to decide whether or not it was sexual assault. E4 also stated that she and E8 could not find a paper bag big enough to put the linens in so she kind of just wrapped it up and place them in the furnace room which is locked. She stated she told E8 that she placed it there. E4 stated that she had just been trained on the facility's abuse and neglect policy the day before (9/14/07).

E4 stated the only time she spoke with E2 was when she was off the clock and on the driveway. E4 stated that she said to E2 "I think this is real because she has bruises on her wrists." E2 just asked her to jot down R1's whereabouts.

E4's only documentation in regards to the incident is as follow:

"9/15/07 R1 slept threw (through) the night and came out for 7A meds when asked at 8:15A. After taking meds he stayed in dining area and ate breakfast. He then called his mom around 8:30 and talked for over 10 minutes. He cleaned-up his room for a short time approx. 9A, then spent time in the living room watching a movie from approx. 9:10 until 9:30A."

E4 stated, on 9/18/07 10:07 AM, that she has worked at this facility 9 years and that she did not believe it was consensual sex. E4 continued "I believe R2 was picked because she's easily

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W9999	<p>Continued From page 98</p> <p>persuaded. Any of the other women residents would have screamed. R2 does what she is told to do, she wants to please. We knew he was interested in R2. He had made comments, I had read documentation where he made comments or touched her. It's documented." E4 further stated " I think he is a predator. I can see him taking her arm and walking her down the hallway and she not even having a clue."</p> <p>During 9/27/07 10:16AM interview, E4 stated that "no one ever asked me if I heard screaming, no one ever asked me for a detailed description of occurrences."</p> <p>The cook/DSP E7 stated, per 9/18/07 1:57PM interview, that she came to work at 10:30AM 9/15/07. E7 further stated that she was standing at the dining room table with R2 and E9 when R2 showed her wrists to her and said, "R1 raped me." E7 continued to say that around 11 or 11:30 AM she took all the residents, except R2, to the local community park for a picnic. E7 stated she took all the residents, including R1, by herself because E8 was tied up at the facility. E7 stated she was told by E2 that R1 and R2 had consensual sex and she was to keep the two separated. E2 further instructed her to make a sign about keeping them separated on the staff's dry erase board which is kept in the activity closet. E7 stated that is where the staff write messages.</p> <p>E3's 9/15/07 written statement identifies that she received a phone call, at approximately 9:40 AM, from E8. E3 documented in this statement that E8 "indicated there was a serious situation," and when she arrived at the facility "E2 was in the office with R2." This statement further says "R2</p>	W9999		
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W9999	<p>Continued From page 99</p> <p>discussed the incident as documented in her interview statement. R2 was not upset she was discussing the incident very matter of factly. The nurse called. The incident was discussed with E9, the nurse. She came in and did a body check &amp; wrote a written statement regarding such. Spoke to R1 with E2 about the incident. He was concerned about having to go back to a state operated facility. He said it was wrong &amp; they shouldn't have done it."</p> <p>R2's, 9/15/07 10:50AM, statement, written by E2, states the following:</p> <p>"R2 says she was sitting on sofa watching TV in living room when R1 got up took her hands and walked her into his room. R2 said R1 asked her to go on his bed. He took off his clothes. "I took off my clothes and he laid on top of me. He put his penis to (too) inside of me. Then he started licking my stomach and private parts. R1's roommate was watching TV. R1 indicated R2 licked her privates, her stomach and when she said "Get off" He did. She put same clothes back on and went to living room to continue to watch TV. R1 came out dressed after a few minutes later. R2 then told Staff."</p> <p>Per surveyor's interview, of 9/17/07 3:16PM, R2 stated R1 "grabbed wrists and pulled me straight to his room. He told me to take my clothes off, all of them. He pushed me on the bed. He laid on top of me. Put his penis in me. I told him to stop and he stopped. Did it one time thats it." When surveyor asked R2 whether or not R1 had done this before, she replied yes but could not remember when.</p> <p>R1's, 9/15/07 11:30AM, statement written by E3</p>	W9999		
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NAME OF PROVIDER OR SUPPLIER  <b>BELLEFONTAINE PLACE</b>			STREET ADDRESS, CITY, STATE, ZIP CODE <b>98 DEBRA LANE, P.O. BOX 225</b> <b>WATERLOO, IL 62298</b>		
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W9999	<p>Continued From page 100 states the following:</p> <p>"I took R2 in my room. I took her hand &amp; we walked to my room. I was being sexual. She laid down on my bed &amp; I took off my clothes. I asked her to take off her pants and she did. I was humping her. I squeezed her breast softly. She thought someone was coming so we hurried. We were alone. She got up &amp; got her pants back on. Then she left my room. I did too. When E8 clocked in, she told E8."</p> <p>Per surveyor's interview, of 9/17/07 12:20PM, R1 stated "R2 and I are not boyfriend and girlfriend, we're suppose to be brother and sister. I was being inappropriate with her." R1 stated that he had sex with R2 before, a long time ago and then last Saturday, 3 times altogether. R1 also stated "R2's like a kid--don't know how to read."</p> <p>Progress Notes 9/15/07 12:15PM, by E2, (after R1 went to local park with other residents and E7) states "R2 was asked about bruising. She indicated that while she was laying in bed her hands were up over her head. When asked if R1 was holding them up over her head and laying on her she indicated yes and that he was moving up and down."</p> <p>According to 9/15/07 11:35AM Progress Note, R2 had a "body check" completed by E2, who is not a nurse, prior to the nurse examining her. This notation states the following:</p> <p>"No bruises noted on breast stomach chest area. No bruises noted between legs inside thigh area or pelvic area. Yellow + brown discharge noted in underwear. R2 said was clean when she put them on. R2 said 'he done it.' No pain or hurt</p>	W9999			

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W9999	<p>Continued From page 101</p> <p>anywhere. No complaints." This body check documentation of R2, by E2, fails to identify the bilateral wrist bruising.</p> <p>Per 9/24/07 3:30PM interview, E2 stated that she was not sure whether or not R2 changed her clothing after her body check and prior to the nurse, E9, doing an assessment.</p> <p>E9 stated, during 9/24/07 10:39AM phone interview, that she did not think R2 was wearing her original underwear when she examined her. E9 admitted that this was the first time she ever examined anyone who had sex and that she did not examine R1.</p> <p>Progress note documented by E9, 9/15/07 12:00PM, states: "Asked to examine R2 after sexual intercourse occurred." This documentation further states that "Wetness noted in underwear-clear drainage. Redness (size of quarter ) noted on the posterior side of the right labia area. Bruising (size of dimes) noted on left anterior arms--5 areas. 2 bruised areas noted on right arm--one size of nickel and one size of dime. R2 stated without questioning 'I told him to stop.' When ask(ed) by QMRP if he stopped she stated 'yes.' Spoken with mother by her request after speaking to QMRP. Explained R2's menstrual cycle pattern and agreed to morning after pill. Dr. Z11 exchanged called at 1:00PM."</p> <p>This nurse's documentation further states that she spoke with Dr. Z12 and was informed that Z12 could not order the morning after pill; that R2 "has to go to the emergency room." E9 writes that E3 was contacted. E9 continues to document that when E3 returned her call, she stated that E2 would take her to the ER.</p>	W9999		
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W9999	Continued From page 102	W9999	<p>Per 10/9/07 1:20PM phone interview, E9 stated "I called E3 and informed her that Z12 would not prescribe the morning after pill, that R2 would need to go to the ER. E3 said to hold off and let her talk to E12 (Executive Director). E3 indicated to her that E12 was talking to E13 (Director of Operations) about the incident. I was concerned because it was taking a long time for E3 to get back to me." (approx. 45 min.).</p> <p>E3, per 10/9/07 1:48PM phone interview, stated that she did not talk to E13, that E12 indicated to her that he had talked to E13 about the incident. E3 further stated that she had "talked with E12 several times that day." E3 said that "E12 asked me to talk with R2 and R1 and call him back; asked me to call the nurse; asked me to talk to the mother."</p> <p>Progress note documentation, of 9/15/07 12:20PM, by E2, states the following: "A phone call was made to R2's mom Z5 describing that R2 had consensual sex this a.m. She was told that an investigation occurred (occurred) and that all the resident stories were the same that R2 went to the boys room, took down her clothes, had sex, got dressed and went to watch TV. She was described as no change in behavior(.) not upset told RN did check. We discussed her menstrual cycle and the possibility of pregnancy. She was asked if she would agree to use of the Morning After Pill where she replied 'GO FOR IT.' She asked questions about the pill. I suggested that I would do research and call her back. The RN researched the pill and is now talking with Z5."</p>	
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W9999	<p>Continued From page 103</p> <p>There is no documentation by E2 that Z5 was informed of R2's bi-lateral wrist bruises.</p> <p>In a 9/18/07 5:35PM phone interview, Z5 stated that the facility staff said that they had called all the doctors and hospitals for the morning after pill but could not get it. They then told me of a pharmacy that carried it and if I wanted it I could get it there. Z5 said that she got the pill and gave it to R2. Z5 continued that she never knew of R2 being sexually active, that she has a mind of a 5 year old, and should have been examined by a doctor not a nurse.</p> <p>E8 stated, during a 10/9/07 12:05PM phone interview, that she was told by E9 that E3 had spoken with E13 and that E13 "wanted no report on this." E9 told me she told E3 "that there has to be a report." E8 continued that E9 told her they wanted her to re-write her GP15, to remove the statements that she saw the bruises and that E9 told E3 "no that stays."</p> <p>Per a 10/09/07 1:20PM phone interview, E9 stated "I was in the office and E3 was talking about the report. She wanted E8 to review the report in regards to re-writing it about the bruises. I assumed at the time that they wanted E8 to re-write the report. I said to her that E8 cannot re-look at her report 'because there were bruises, because I would be documenting the bruises."</p> <p>E3 stated, per 10/9/07 1:43PM phone interview that she only asked E9 about the marks she and E8 had written in their reports because she "didn't see any marks."</p> <p>Bruising on R2's lower arms was confirmed by E8's and E9s' 9/15/07 documentation, their</p>	W9999		

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W9999	<p>Continued From page 104</p> <p>interviews and by photographs provided the surveyor by the police department's Z14.</p> <p>The facility's POLICY NO: 5.52, SUBJECT: Individual Rape or Sexual Assault states the following:</p> <p>"The agency shall provide set procedures to be followed in the event that a rape or sexual assault is suspected to have occurred to an individual."</p> <p>The PROCEDURE for this policy states:</p> <p>A. Any employee of the agency who receives a report or who suspects, that rape or sexual assault has occurred shall immediately notify the designated management staff using the emergency call list and supply all relevant information.</p> <p>B. In cases where rape is suspected or discovered the Administrator shall:</p> <ol style="list-style-type: none"> <li>1. Immediately have the individual transported to the emergency room for examination and securing of evidence.</li> <li>2. Initiate the Investigative committee process, pursuant to Policy and Procedure 5.24 and</li> <li>3. Notify the appropriate State Agencies pursuant to Policy and Procedure 5.24</li> </ol> <p>C. The person initiating the report or suspicion shall describe the incident or report on a Progress Note (Form #GP-15) and submit it to the designated management staff.</p> <p>D. If examination indicates that no rape, sexual assault or injury has occurred, the individual shall be returned to the appropriate site and the investigation is ended, unless the report or</p>	W9999		

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W9999	<p>Continued From page 105</p> <p>suspicion indicates that other issues require investigation. The designated management staff shall notify the appropriate State Agencies pursuant to Policy and Procedure 5.24.</p> <p>E. The chain of evidence must be secured and maintained.</p> <ol style="list-style-type: none"> <li>1. Do not bathe the individual or allow her/him to bathe before medical examination.</li> <li>2. If the individual has changed clothes, put the clothing worn at the time of the alleged rape or sexual assault into a paper bag (not plastic).</li> <li>2. The staff member on duty shall handle this evidence and place it in a locked, secure location. Only one person shall handle this evidence until the medical examination has been completed."</li> </ol> <p>According to 9/24/07 1:14PM phone interview, when asked by the surveyor, what she was investigating, E3 stated the following:</p> <p>"That there had been at the minimum a sexual interaction between R1 and R2 and at the most an inappropriate sexual interaction." E3 indicated in this interview the following:</p> <ol style="list-style-type: none"> <li>a) that she was not familiar with R1's previous history of sexual assault and she was only aware of one time where he grabbed a staff person's crotch.</li> <li>b) that she was not aware that the facility was short of staff.</li> <li>c) that she was not aware that the staff had stripped R1's bed clothing as evidence.</li> <li>d) that R1 was examined by the nurse because "sex is more traumatic on female's body parts</li> </ol>	W9999		
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W9999	<p>Continued From page 106</p> <p>than a male's especially since we weren't sure if she had sex prior to that." E3 indicated that they did not send R2 to the ER "because we talked to her about how she was feeling and she did not appear to be injured." E3 continued, "R2 was not transported to the ER because it was determined by interview with R1 and R2 that it was not sexual assault."</p> <p>e) it was consensual sex.</p> <p>Per 9/24/07 1:14PM phone interview, E3 stated that neither IDPH nor the police were notified of this incident.</p> <p>The facility's POLICY NO: 5.24 SUBJECT: Investigative Committee, PROCEDURE #3, states the following:</p> <p>"Staff statements will be documented on a Progress Note (GP-15) by management and counter signed by the person being interviewed.</p> <p>As confirmed by 9/26/07 4:00PM interview with E2 and 10/9/07 1:48PM phone interview with E3, the staff statements of E4 and E8, who were present in the facility when R2 make the allegation were not taken by management as per policy.</p> <p>E4 confirmed per 9/18/07 10:07AM interview that she was the only staff in the facility at the time the incident occurred. Per 9/26/07 10:16AM interview, E4 stated that "no one ever asked me if I heard screaming, no one ever asked me for a detailed description of occurrences." E4 further stated that "I don't think anyone was surprised that this incident happened. No one was shocked." E4 continued that she had expressed her concerns</p>	W9999		
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W9999	<p>Continued From page 107</p> <p>to E2 in the past on just how far R1 would go. According to E4, E2 asked her if she was afraid of R1 and whether or not she thought R1 would rape her. E4 stated that she questioned his limitations. E4 stated that she "wanted to know" whether R1 was "a teen boy that's just curious and horny, or is he a threat?"</p> <p>The facility's POLICY NO: 5.24 SUBJECT: Investigative Committee, PROCEDURE B #3, states the following:</p> <p>"3. If the allegation is one of the following situations the Administrator or designee will contact law enforcement by calling 911 or the local emergency number:"</p> <p>One of these situations, identified in this policy, is "--Sexual abuse of an individual by a staff member, another resident, or a visitor."</p> <p>This policy further states:</p> <p>"C. The facility administrator shall report the matter within 24 hours, and send a written report within five (5) working days to the individual's representative and to the Illinois Department of Public Health."</p> <p>Per 9/24/07 1:14PM phone interview, E3 stated that neither IDPH nor the police were notified of this incident.</p> <p>According to the local police department report case number 07-6038, on 9/16/07 at approximately 7:00PM, Z13 responded to a complaint of sexual assault made by a family member of R2.</p> <p>Policy no.5.24 Investigative Committee,</p>	W9999		
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W9999	<p>Continued From page 108 PROCEDURE B continues as follows:</p> <p>"D. The administrator shall call a meeting of the Investigative Committee. The Administrator will designate a chair and the committee members.</p> <p>E. The committee members shall meet to review the allegations, conduct interviews and examine the information available that is pertinent to the incident.</p> <p>F. Upon completion of the committee investigation, a report containing the findings shall be presented.</p> <p>G. The administrator shall make the final decision as to the appropriate action required, taking into consideration the findings and the recommendations of the committee."</p> <p>The facility's "Investigative Report" of 9/18/07 by Administrator E1, states that the investigators of the "allegation" of 9/15/07 were E2 and E3. Per 9/24/07 1:14 PM phone interview, E3 who was the acting administrator at the time of the alleged incident, stated that the investigative committee consisted of E2, herself and E9. The Investigative report summary and recommendations are as follows;</p> <p>"Evidence suggests that both R1 and R2 had a sexual interaction that was consensual. It is recommended that more intensive structured sex education programs be developed for both R2 and R1 and staff should monitor both individuals on a 15 minute interval during waking hours. Mrs. (last name of R2's mother) should be consulted again regarding guardianship for R2."</p>	W9999		
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W9999	<p>Continued From page 109</p> <p>E9 stated, per 10/9/07 1:20PM phone interview that she was not part of the investigative committee. E9 explained that "I was only asked to come and look at R1" and I "was surprised that E8 and E4 were not interviewed about the incident."</p> <p>The investigative report also states:</p> <p>a) the investigators obtained reports "from both staff members on duty at the time of the alleged incident, but neglected to identify that staff statements were not taken and documented by management as per policy no. 5.24. This report does not identify that the facility was short of staff, that only E4 was on duty at the time of the incident.</p> <p>Per review of the facility's time card reports and confirmed by 9/18/07 2:43 PM interview with E2, the facility had only 1 staff member working from 7:30--9:30AM due to a call off.</p> <p>This investigatve report also fails to:</p> <p>a) identify R1's history of sexual assault.</p> <p>b) identify the facility's failure to develop a behavior program for Sexual Inappropriateness as recommended 3/16/07 per Psychological Report.</p> <p>c) identify that an ISP and /or a special staffing was not held when R1 was readmitted to the facility on 7/10/07.</p> <p>d) interview residents/potential witnesses present in the facility during time frame of alleged incident.</p>	W9999		
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DEPARTMENT OF HEALTH AND HUMAN SERVICES  
CENTERS FOR MEDICARE & MEDICAID SERVICES

PRINTED: 12/03/2007  
FORM APPROVED  
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>14G168</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED  <b>C</b> <b>10/31/2007</b>
NAME OF PROVIDER OR SUPPLIER  <b>BELLEFONTAINE PLACE</b>		STREET ADDRESS, CITY, STATE, ZIP CODE <b>98 DEBRA LANE, P.O. BOX 225</b> <b>WATERLOO, IL 62298</b>		
(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	
<p>W9999 : Continued From page 110</p> <p>e) identify that the facility's POLICY NO: 5.52, SUBJECT: Individual Rape or Sexual Assault was not implemented by E2 and E3; and that R2 was not immediately transported to the ER for a physical examination to secure evidence.</p> <p>The facility's POLICY NO: 5.57 SUBJECT: Physical Injury and Illness/Individual Medical Emergencies states "Individuals served by the agency shall receive timely and effective medical service for physical injuries and illnesses and medical emergencies."</p> <p>The definition of neglect per this policy is the "Failure to provide goods and services necessary to avoid physical harm, mental anguish, or mental illness". This policy further states "G. In case of abuse, neglect, or injury of unknown origin, the staff who witnessed or first became aware of the incident, shall report the incident according to Policy 5.24. The Administrator shall conduct any necessary interviews, inquiries, or procedures according to Policy 5.24 and 5.29.</p> <p>There is no evidence that policies 5.24 or 5.29 were implemented by E3 or E2.</p> <p>As confirmed by 9/18/07 2:43PM interview with E2 and per review of 4/3/07 physical exam, R2's last gyn exam was 7/2006. There is no evidence that R1's medical concerns of physical injuries, sexually transmitted diseases and pregnancy were addressed by the facility.</p> <p>Per a 9/24/07 10:39PM interview, E9 stated that she is unaware if R1 or R2 have received any testing for sexually transmitted diseases or HIV testing.</p>	W9999			

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W9999	<p>Continued From page 111</p> <p>In the Pyschiatrist report of 9/17/07, Z10 makes the following observations:</p> <p>"52 years old white female, who was clean and appropriately dressed. she appeared to be anxious and apprehensive and preoccupied with the events of last weekend. "My mother does not want me to...." She described how she was called in to the room and was told what to do. She did not accept any responsibility for the events, and portrays herself as just doing what she was told, either by the person involved, or by her mother. She ended with "I won't do it anymore....My mother does not want me to...." Z10 continues, "Discussion: I would explore the event in more detail and it would be beneficial for her if she were to see an individual psychotherapist."</p> <p>(A)</p>	W9999		
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