STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:	(X2) MULTIPLE CONSTRUCTION	(X3) DATE SURVEY COMPLETED
	14G201	A. BUILDING _____ B. WING _____	C 07/11/2007

NAME OF PROVIDER OR SUPPLIER	STREET ADDRESS, CITY, STATE, ZIP CODE
BETHESDA LUTHERAN-MONTGOMERY	1205 SOUTH SPENCER AURORA, IL 60505

(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
W 331	Continued From page 42 7/1/07 incident of alleged sexual abuse. E10 stated she completed R2's quarterly nursing assessment. However R2 was not physically examined with his clothes off.	W 331		
W9999	FINAL OBSERVATIONS LICENSURE VIOLATION 350.620a) 350.700a) 350.1230b)3) 350.1230c) 350.1230e) 350.3240a) 350.3240b) 350.3240c) 350.3240d) 350.3240f) 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 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.	W9999		

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W9999	Continued From page 43 Section 350.1230 Nursing Services b) Residents shall be provided with nursing services, in accordance with their needs, which shall include, but are not limited to, the following: The DON shall participate in: 3) Periodic reevaluation of the type, extent, and quality of services and programming. c) A registered nurse shall participate, as appropriate, in planning and implementing the training of facility personnel. e) Sufficient, appropriately qualified nursing staff shall be available, which may include licensed practical nurses and other supporting personnel, to carry out the various nursing service activities. Section 350.3240 Abuse and Neglect a) An owner, licensee, administrator, employee or agent of a facility shall not abuse or neglect a resident. 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. c) A facility administrator who becomes aware of abuse or neglect of a resident shall immediately report the matter by telephone and in writing to the resident's representative. 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. 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	W9999		

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W9999	Continued From page 44 These Regulations were not met as evidenced by: Based on interview and record review, the facility failed to implement their Abuse/Neglect policy when they failed to set up a structure to protect R1, R3 and R6 from sexual abuse. The facility: 1. Failed to immediately report 3 of 3 allegations of sexual abuse involving R2, R1, R3 and R6 to the Administrator. 2. Failed to report 2 of 3 allegations of sexual abuse involving R2, R1 and R3 to IDPH. 3. Failed to investigate or thoroughly investigate 1 of 3 allegations of sexual abuse involving R2 and R3. 4. Failed to contact the nurse for 1 of 3 allegations of sexual abuse and failed to have nursing assess and examine R2 and R6 in a timely manner. Findings include: R1, per review of his face sheet, is a 39 year old male whose diagnoses include Profound Mental Retardation, Down Syndrome and Pervasive Developmental Disorder. E1 (Program Director / QMRP) was interviewed 6/22/07 at 11:55am. E1 verified R1 is essentially non-verbal, he uses some gestures to communicate. R1 obtained a score of 1 year 9 months on his adaptive behavior assessment of 4/12/07. R1 was admitted to the facility 3/30/06. R2, per review of his face sheet, is a 42 year old male whose diagnoses include Moderate Mental Retardation, Down Syndrome and Bipolar Disorder. E1 was interviewed 6/22/07 at	W9999		

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11:55am. E1 verified R2 is verbal and is capable of expressing his wants and needs. E1 stated R2 is not consistently reliable in relating information. R2 obtained a score of 8 years 8 months on his adaptive behavior assessment of 4/5/07.

R3, per review of his face sheet, is a 55 year old male whose diagnoses include Severe Mental Retardation, Down Syndrome and Bipolar Affective Disorder. E1 was interviewed 6/22/07 at 11:55am. E1 verified R3 is verbal but is difficult to understand. R3 obtained a score of 4 years 10 months on his adaptive behavior assessment of 10/9/06.

R6, per review of his face sheet, is a 38 year old male whose diagnoses include Moderate Mental Retardation, Depression, Seizure Disorder and Recurring Pneumonia.
E1 was interviewed 7/3/07 at 1:15pm. E1 verified R6 is essentially non-verbal.
R6 obtained a score of 2 years 5 months on his adaptive behavior assessment of 7/30/06.

The facility's policy "Abuse/Neglect of Person Served," last revised 1/12/06, defines Abuse as:
"Abuse means any physical injury, sexual abuse or mental injury inflicted on an individual other than by accidental means."
Sexual abuse is defined as:
"Sexual abuse means any act of sexual contact, sexual penetration, sexual coercion, or sexual exploitation of an individual. Sexual contact shall include any inappropriate contact between an individual receiving services and another person involving either an employee's genital area, anus, buttocks, or breasts or an individual's genital area, anus, buttocks, or breasts."
"Sexual exploitation means the sexual use of an

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individual for another person's sexual gratification, arousal, advantage or profit."

The facility's Abuse / Neglect policy also notes the following:
"Person served to Person served
A. Reporting
1. Person(s) observing or suspecting the occurrence of abuse shall be responsible for reporting it to their immediately supervisor immediately.
2. If the person's immediately supervisor or his/her designee is unavailable, the Program Director shall be notified.
3. The nurse shall be contacted to determine if medical attention is needed.
4. The Administrator will be notified by the PD (Program Director) or on-call designee.
5. The Administrator shall notify the Regional Administrator or corporate designee as soon as possible.
6. The Administrator / Program Director shall notify the family / Guardian of the alleged incident and explain that an investigation is being conducted."

1) The facility's incident reports were reviewed. On 6/15/07 E3 (direct care) documented, via incident report, an allegation of sexual abuse. The incident was noted to have occurred 5 days prior - 6/10/07.
E3 documented the following:
"(R2) was sitting on the couch pretending to be sleep(ing), when (R1) came to sit down by him (R2) then put his arm around (R1). When I came over to redirect the individuals (R1) continued to hug (R2) and (R2) continued to act sleep. I feel that the behavior displayed was more of a sexual behavior and that (R1) was more so unknowingly

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provoked."

E1 was interviewed 6/20/07 at 11:05am regarding the incident of 6/10/07 involving R1 and R2. E1 verified E3 did not immediately report the allegation that R2's behavior was potentially sexually abusive to R1. E1 stated R1 and R2 were roommates; however, as of 6/15/07 R1 moved out of the shared bedroom. E1 stated she told R2 to keep his hands to himself and he agreed to do so. E1 stated 3rd shift staff were told to conduct 15 minute checks of R2 to monitor him more closely. E1 was asked if the facility had any documentation of the 15 minute checks conducted on 3rd shift or the discussion she had with R2. E1 stated the discussion with R2 and the 15 minute checks were not documented.

On 7/3/07 at approximately 1:10pm E1 provided surveyor a document for R2 noting that 15 minute bed checks were conducted starting 6/28/07. E1 was asked when the 15 minute checks were implemented. E1 stated the 15 minute checks were implemented 6/15/07.

E9 (direct care) was interviewed 7/3/07 at 1:50pm. E9 verified she works 3rd shift at the facility. E3 was asked when 15 minute bed checks were implemented for R2. E3 stated the 15 minute bed checks were implemented, as noted on the check sheet - 6/28/07. E3 stated the 15 minute bed checks were not done prior to 6/28/07.

On 6/20/07 at 11:05am E1 was asked if R2 had a history of inappropriate sexual behavior or had any previous allegations of sexual abusing others. E1 stated it was never previously reported to her that R2 inappropriately touched anyone before.

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On 6/20/07 at 12:44pm Z3 was interviewed regarding R1. Z3 stated she has noted R1 being more agitated lately and also picking at "his bottom" (anal area). Z3 stated R1 will frequently pull at his pants from behind. Z3 stated she talked to a staff from R1's residence about her concerns. The staff (un-named) told her the facility found R1's roommate (R2) doing "inappropriate" things with R1. The staff also told Z3 that R2 did the same thing to his previous roommate (R3).

E5 (former direct care) worked at the facility from approximately April 2006 thru October 2006. E5 was asked if he was aware of R2 displaying any incidents of inappropriate sexual behavior. E5 stated he was aware of an incident with R1 and R2. E5 stated R1 and R2 were roommates at the time. E5 stated he can not remember the date of the incident. E5 explained that one evening, approximately 7/06 thru 10/06 at 10:00pm, R1 came out of his bedroom and he was naked. E5 stated R1 looked scared. E5 stated R2 was also naked.
E5 stated R2 always sleeps in the nude, however R1 always sleeps in pajamas.
E5 stated he reported the incident to E1 (Program Director/QMRP) and he was told to conduct 15 minute bed checks on R1. E5 stated he also documented the incident, either in progress notes or on an incident report. E5 stated he was also aware of R2 having R3 touch him (R2) in a sexual way. E5 stated this was also reported to E1.

R1, R2 and R3's records, as well as incident reports, were reviewed. There was no documentation of the above noted incidents as explained by E5.

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2) On 6/20/07 at 1:55pm, E1 told surveyor that approximately 1 to 1 1/2 years ago there was an incident involving R2 and R3. R2 and R3 were roommates at the time. Surveyor requested any documentation regarding the incident.

On 6/21/07 at 9:35am E1 stated she was unable to locate any information regarding the incident. No incident report or subsequent investigation was available.

On 6/21/07 at 10:20am E1 was again interviewed. E1 stated she vaguely remembers an incident (from 1 to 1 1/2 year ago) involving R2 and R3. E1 stated R2 and R3 were roommates at the time. E1 stated R2 and R3 were both found together in a bed. E1 stated she could not recall any further information about the incident.

R3's 10/19/06 Individual Program Plan (IPP) was reviewed. R3's IPP noted the following: "(R3) has switch(ed) roommates in the past year, due to inappropriate sexual behavior. (R3) was not found to consent to the behavior nor was it opposed by him."

E1 was asked, 6/21/07 at 1:30pm, about R3 switching roommates and the comment of "inappropriate sexual behavior." E1 stated the inappropriate sexual comment refers to R2's behavior. E1 was asked if either R2 or R3 were examined by nursing after the incident. E1 stated if it was not in the nurses notes then they were not examined. R2 and R3's nursing notes for the past 2 years were reviewed. There was no documentation by nursing of an exam, as per policy, of either R2 or R3.

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W9999	Continued From page 50 R2's 12/3/01 psychological report was reviewed. The report notes in July 1995 R2 was moved from a community residential facility to a state operated residential facility "... due to several incidents of physical and sexual aggression towards lower functioning clients. The nature of his sexual aggression included coercing unwilling partners into sexual activity, undressing, fondling, and lying on top of other residents and holding them until they could not leave. Other inappropriate sexual behaviors included public masturbation and exposing himself in public." E4, E6 and E7 (all direct care) were interviewed regarding R2's history of inappropriate sexual behavior. E4 stated, 6/20/07 at 2:56pm, she has seen R2 hug other clients. E4 stated she was told by other staff that, "(R2) was sexual with (R3)." E4 explained that other staff told her R2 would have R3 perform oral sex on him. E6 stated, 6/20/07 at 2:50pm, that she never saw R2 be inappropriate with other clients. E6 stated she heard rumors that R2 was inappropriate with other clients. E6 was asked if she knew the reason R3 and R2 were no longer roommates. E6 stated R3 moved out of R2's bedroom because of "rumors." E7 stated, 6/20/07 at 2:40pm, when she started working at the facility (4 weeks ago), she was told that R2 is aggressive with R1. A confidential interview was conducted and the following information was obtained. The confidential interviewee stated in approximately January 2006 or February 2006 a former 3rd shift staff found R2 and R3 in R3 's bed. R2 was having R3 fondle him. After the incident E1 was	W9999		

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informed and R3 moved out of the bedroom he shared with R2. R2's and R3's records and facility incident reports were reviewed, there was no documentation of this incident.

The confidential interviewee stated that R1 (admitted to the facility 3/30/06) was assigned to be R2's roommate upon his admission. The confidential interviewee stated for the first 6 to 7 months there were no problems between R1 and R2. Then it was noticed that R1 was afraid to go to his bedroom. R1 was also observed to be grabbing at his behind (buttocks). The confidential interviewee stated E1 has been informed for months about R2's inappropriate sexual behavior.

3) On 7/3/07 E1 reported to surveyor an allegation that R2 sexually abused R6. R6 became R2's roommate 6/15/07 due to an allegation that R2 was inappropriately touching R1.

E9 (direct care) was interviewed 7/3/07 at 12:35pm. E9 stated she was on duty (working 11pm til 7am) the night of the alleged sexual abuse of R6. E9 stated that on Sunday July 1, 2007 at approximately 12:15am she was entering R6's and R2's bedroom to toilet R6. E9 stated when she got R6 up he looked like he was crying. E9 stated R6 had a look of fear and helplessness on his face. E9 stated she asked R6 if R2 had bothered him. R6 verbalized, "yeah."
E9 stated she also asked R6 if R2 touched his "frontal" area (penis), R6 verbalized, "yeah."
E9 stated she then asked R6 if R2 touched his "rear" area (buttocks), R6 verbalized, "yeah."
E9 stated she was concerned because R6 is essentially non-verbal and when he verbalized

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"yeah" she knew something was wrong. E9 stated she then asked R2 about touching R6. At first R2 denied touching R6. E9 stated she then took R6 to the living room area and made him comfortable on the couch. R2 then came into the living room area and told E9 he was sorry. E9 asked R2 why he was sorry and R2 admitted to touching R6 in the "frontal" and "rear" areas. E9 stated she notified E1 and the on-call person at approximately 7:00am 7/1/07, approximately 7 hours after the alleged sexual abuse. E9 was asked why she waited until approximately 7:00 am to notify the Administrator. E9 stated it was late.

E1 stated, per interview 7/3/07 at 1:35pm, the on call person was notified of the alleged sexual abuse of R6 on 7/1/07 at 7:45am. The administrator was notified of the alleged abuse at 7:50am (7 1/2 hours after the alleged abuse occurred).

E10 (facility nurse) was interviewed 7/3/07 at 1:05pm, via telephone call. E10 was asked if R6 and R2 were examined after the 7/1/07 incident of alleged sexual abuse. E10 stated she conducted a full body assessment of R6 on Monday 7/2/07 at approximately 2:00pm (38 hours after incident). E10 stated there was no evidence of trauma.

R6's chart/nursing notes were reviewed on 7/3/07. There was no documentation of a nursing assessment completed on 7/2/07. E10 was asked if she documented her assessment of R6 in the record. E10 stated she had not yet charted in R6's record because she was too busy.

E10 was asked if R2 was examined after the 7/1/07 incident of alleged sexual abuse. E10

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W9999	Continued From page 53 stated she completed R2's quarterly nursing assessment. However R2 was not physically examined with his clothes off. E1 was interviewed 7/3/07 at 2:00pm. E1 was asked why R6, who is non-verbal, and unable to report unwanted sexual advances was assigned to room with R1 (with known history of inappropriate sexual aggression towards lower functiong clients). E1 stated R6 was previously R2's roommate and R6 never reported any problems. E1 also stated no other male clients wanted to be R2's roommate due to R2's verbal aggression. (A)	W9999		