

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

PRINTED: 11/03/2009
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 145928	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED C 06/03/2009
NAME OF PROVIDER OR SUPPLIER GOLDEN MOMENTS SENIOR CARE CTR			STREET ADDRESS, CITY, STATE, ZIP CODE 1021 NORTH CHURCH STREET JACKSONVILLE, IL 62650		
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F 354	Continued From page 19 Except when waived under paragraph (c) or (d) of this section, the facility must designate a registered nurse to serve as the director of nursing on a full time basis. The director of nursing may serve as a charge nurse only when the facility has an average daily occupancy of 60 or fewer residents. This REQUIREMENT is not met as evidenced by: Based on record review and interview, the facility failed to have Registered Nurse, RN, coverage for 8 hours 7 days a week. Findings include: Record review of Nursing scheduled for 4 weeks, shows there is no RN coverage on the weekends. Interview with E1, Administrator, on 6-3-09, confirmed the facility does not have RN coverage on weekends. E1 says he has been advertising in the local paper and near by community papers since January 2009 and has not been able to get any applications.	F 354			
F9999	FINAL OBSERVATIONS LICENSURE VIOLATIONS 300.3240a) 300.3240b) 300.3240d) 300.3240e)	F9999			

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F9999	<p>Continued From page 20</p> <p>Section 300.3240 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>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)</p> <p>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)</p> <p>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 disciplinary action against the employee. (Section 3-611 of the Act)</p> <p>These Regulations were not met as evidenced by: Based on record review and interview, the facility failed to ensure 6 residents, R1, R2, R3, R4, R11 and R12, of 15 sampled residents, were not physically, verbally or mentally abused. R1 and R11 were verbally abused. R2 was abused when staff forcefully held him down and threatened to cut his throat causing R2 to cry. R3 was abused when staff took away her fingernail polish and food and slapped her in the face. R4 was abused when staff took her food and/or drinks and threw them away or locked them up in the activity cabinet when she wanted them. Staff made a video making fun of R3, R4 and R5. In addition, the facility staff failed to report the</p>	F9999			

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F9999	<p>Continued From page 21</p> <p>incidents involving mistreatment and abuse involving the six residents to the Administrator of the facility</p> <p>Findings include:</p> <p>1. Record review of R3's May 2009, Physician Order Sheet, POS, shows R3 is a 55 year old female with a diagnosis, in part, Mental Syndrome due to Alcoholism and Depression. R3's Minimum Data Set, MDS, of 3-13-09 shows she has moderate cognitive impairment and memory problems. MDS shows behaviors of being verbally and physically abusive and socially inappropriate. R3 asks repetitive questions and has repetitive health complaints. R3 has persistent anger with self or others. R3's Care Plan states she has Dementia, Depression and Anxiety. Impaired cognitive skills for daily decision making and memory deficits. Record review shows there is no assessment for abuse risk. E11, Care Plan Coordinator, confirmed this on 5-29-09.</p> <p>Record review of facility Preliminary 24-hour Incident Investigation Report, undated, shows the facility began an investigation after an allegation of abuse on 5-17-09. The report states one of the residents abused was R3 along with R2 and R4. The report stated all the residents are diagnosed with Dementia and have altered mental status, although R3 is much more alert and oriented than the others. The report states the abuse happened on the 10PM to 6AM shift on the Special Care Unit on 5-16/5-17 and E4, Certified Nurse Aide, was the alleged abuser and she was suspended pending the investigation. The Final Incident Investigation Report, undated, stated E4, CNA, was reported by various</p>	F9999			

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F9999	<p>Continued From page 22</p> <p>residents and staff to be physically and verbally abusive to residents. R3 has stated that E4 slapped her across the face. R4 was told to go to hell and R2 was cared for forcefully. The report stated E4 had been terminated.</p> <p>Written statement of E12, Special Care Unit Supervisor, of 5-17-09 stated the day shift was having complaints from residents about the midnight shift for about 2 weeks. "R4 is saying E4, CNA, was taking her snacks away that her daughter brings in for her. She takes her sodas and dumps them out and she also stated E4 is being very rude to her. We've also had that complaint from R2 and R3. She takes R3's nail polish from her and hides it. We have also had complaints from R1 up front about how he comes down and hears E4 and E5, CNA's talking about him calling him fat a-- and saying other things. Residents have been complaining about E4 for about two weeks now. R3 stated that E4 slapped her...They are always complaining when she works."</p> <p>2. Record review of R2's Admission Sheet shows R2 is a 68 year old male who was admitted to the facility on 6-9-08 with a diagnosis, in part, Dementia, Alcoholism, Organic Brain Syndrome and Depression. R2's MDS shows he has moderate cognitive impairment and memory problem. R2 is verbally and physically abusive, socially inappropriate, and resists care. R2 is frequently incontinent of urine and occasionally incontinent of bowel and requires extensive assistance of 1 for hygiene. R2's Care Plan of 10-10-08 states R2 has Dementia and is impaired cognitively. R2 has muscle weakness and imbalance. R2 has potential for hitting others as making verbal threats, has been hostile</p>	F9999			

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F9999	<p>Continued From page 23</p> <p>to others, resists care, is easily agitated and startles easily. Care Plan note of 4-27-09 states two assist during bed checks.</p> <p>Nurses Note of 4-19-09 states R2 upset and agitated this AM. He thought people were coming here to kill everyone. Note of 4-26-09 states E4 called for nurse to come to R2's room. E4 was sitting on the floor in the doorway crying. E4 explained that during a bed check, R2 struck her in the face. E4 had visible mark at the corner of the left eye and red area under the eye. R2 said he was sorry. CNA's were instructed to take other staff member with them (when giving care to R2).</p> <p>Facility investigation of abuse by E4, reflects R2 had complained that E4 told R2 that she was going to slit his throat. Written statement by E6, CNA, that is undated and was given during the above abuse investigation, states E6 had witnessed E4 being physically abusive with R2. "We were changing R2 on bed check. He was very resistive so E4 grabbed both of his hands forcefully to his chest the harder he fought the more she forced. I told her let's walk away for a few mins (minutes) and come back maybe he will have calmed down by then. E4 didn't pay any attention to that and continued to hold R2 wrists with force. I walked away."</p> <p>3. Record review of R4's Admission Sheet shows R4 is a 68 year old female admitted to the facility on 6-14-08 with a diagnosis, in part, Alzheimers, Dementia, Bipolar, Anxiety and Depression. R4's MDS of 5-1-09 shows she is dependent for transfer, bed mobility and eating and requires set up help for dressing and bathing. MDS shows cognitive impairment and</p>	F9999			

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F9999	<p>Continued From page 24</p> <p>R4 is verbally abusive. R4's Care Plan of 5-14-09 states she has a history of physical aggression prior to admission. R4 will shove/push others, will jerk away if attempting to get close.</p> <p>Written statement by E6, CNA, documented, "On several occasions I have heard E4 scream and yell at R4. R4 will come to the desk and repeatedly ask for something to drink or when she is going to smoke again. E4 will scream and yell at R4 and tell her that she's not smoking and go to bed. E4's been very hateful to several residents."</p> <p>4. Record review of R1's Admission Record shows he is a 34 year old male admitted to the facility on 3-5-09. R1 has a diagnosis, in part, Bipolar, Morbid Obesity and Gastric Banding. R1's Minimum Data Set, MDS of 3-13-09 shows he has no cognitive impairment.</p> <p>R1 stated on 5-27-09 at 3:50PM, during interview, that a couple weeks ago R11, from the Dementia Unit, came into his room and drank his drink. R1 said R11 was always coming into his room and getting into his stuff. R1 said he got mad and pushed R11 and he fell. R1 stated he later overheard E5, CNA, say to the nurse, "They should arrest this f---ing fat a-- and send his f--ing a-- back to where he came from." R1 did say E1, Administrator, had him write a statement. R1 stated E1 is big about staff respecting residents. They had talked as to what would be done with the E5 and R1 said he told E1, "I believe in giving others a chance." E1 stated on 5-27-09 and again on 5-29-09, he had investigated the above incident and felt it was a dignity issue, it did not rise to abuse and R1 had</p>	F9999			

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F9999	<p>Continued From page 25</p> <p>told him he felt it was inappropriate, not abusive. R1 stated on 5-29-09, when again questioned about E5, she called him that because she was upset that he had pushed her resident that she takes care of. R1 said E5 did not say it to his face, he overheard her talking. R1 stated he did not consider it abusive because she did not say it to his face. "I felt more it was unclassy of her. She didn't mean for me to hear."</p> <p>5. Facility interviews of 5-17-09 documented by E3, Assistant Administrator/Social Service Director, shows R3 stated, "She slapped me b/c (because) I said this is a bunch of bulls--t when I asked to paint my nails and she said no. I don't know what I did wrong. The little blonde girl w/ (with) the glasses."</p> <p>R4 stated, "took my soda, can't remember who took. told me to go to hell, was in my bed. took my chips from me, told me I couldn't eat them."</p> <p>E3's investigation report states, E4 videotaped E5 making fun of residents. No residents were in the video. E4 denied video stating, "This is insane, I would never hurt my res. I'm going to school to be a nurse." "E5 -thinks its all bs." E3 stated, on 5-28-09 at 1:32PM, that E13, CNA had reported seeing a video but both E4 and E5 denied it. E3 stated she could not prove the video existed. E3 stated on 5-17-09, Sunday, she was called by E14, Licensed Practical Nurse, LPN, and she said staff reported to her there had been resident abuse over the weekend. R3 had stated E5 had slapped her across the face. E10 and E13, CNA's, stated that when they came to work, R3 was very upset saying E4 had slapped her. R4 said E4 took her snack and threw them away and told her to go to hell. Staff said R2 was</p>	F9999			

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F9999	<p>Continued From page 26</p> <p>upset saying E4 threatened to slit his throat. E3 said the residents could not tell her E4's name but described her as the little blonde with the glasses. E3 said she talked to R3 again Monday and she still stated E4 had slapped her across the face. E3 stated she had talked to E5 about the video and E5 wrote a statement saying nothing happened and denied the video.</p> <p>E5's written statement of 5-19-09, states, "As best to my knowledge I personally have not witnessed E4 abusing any resident when I work with her. I did see R4 throw her urined clothes in E4's face. Always's cursing at us (her) E4. We always do our bed checks together room 2 room. E4 can be loud (talking wise) specialy with other employees. But not a resident as far as I have seen myself."</p> <p>On 5-28-09 at 5:39AM, E5, CNA, was interviewed and stated she had not witnessed E4 slapping R3. E5 stated she was not aware of a video of her making fun of residents. E5 denied calling R1 a f--king fat a--. E5 stated she thought E4 might have made the remark about R1. E5 stated she had witnessed E4 being rough with residents, R5 and R12. E5 stated she witnessed E4 pull them up by their arms out of bed in the middle of the night without letting them get their balance. E5 stated she had talked to E4 and told her it was abuse. E5 stated she told E8, LPN, and other CNA's about E4's behavior about one month ago. E5 said nothing happened. E5 said she had heard from other aides that E4 was rough and how she talked to the residents. E5 stated R4 and R3 have memory problems, but can carry on a conversation. E5 stated R3 and R4 were often up during the night shift. When asked again about the video, and if it could have</p>	F9999			

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F9999	<p>Continued From page 27</p> <p>been a cell phone, E5 stated she was goofing off one night in the Dining Room and E4 recorded her using E4's cell phone. E5 stated she thought it was a picture, but E4 must have taken a video. E4 stated she was acting crazy and E5 told her to do it again and showed her the video saying, "Do you know who that reminds me of, R5. According to E5, E4 started to make fun of R5 and E5 told her it was inappropriate.</p> <p>Interview with E6, CNA, on 5-28-09 at 1:20PM, E6 stated she worked with E4. She was verbally abusive to several residents. E4 and R4 did not get along. E4 would be hateful and use curse words with her. E6 stated one night during bed check with R2, E4 physically held his arms on his chest. E6 stated she told E4 that it was not necessary and that they could come back later. E4 stated this is just bull sh-t. E6 stated she did tell the nurse. She thinks the nurse was E8, LPN. E6 stated E4 was verbally abusive to R11. E4 would ridicule him and cuss at him. E6 stated she told E8. E4 started to pick on R11 after the first week he was here. (Record shows R11 was at the facility from 4-20-09 to 5-13-09.)</p> <p>E8, LPN, stated on 5-28-09 at 5:30AM, that she had no complaints from anyone of E4 abusing, mistreating residents. E8 stated she was surprised when she heard the allegations of E4 abusing residents.</p> <p>E10, CNA, stated on 5-28-09 at 2:50PM, that she and E13 were sitting at the desk doing paperwork on the morning of 5-17-09 and R4 was upset and acting rude and hateful. We asked her what was wrong and she said the short blonde girl was taking her drinks and chips throwing them away. Then R3 came and said that the girl is always</p>	F9999			

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F9999	<p>Continued From page 28</p> <p>rude and she slapped R3 across the face. E13 stated there had been other incidents. About 1 to 2 weeks before, E4 said R2 had kicked her to the wall because she was trying to get him up to clean him. R2 said that E4 was mean and saying she was going to slit his throat. R2 started crying and he never cries. E10 stated she told the nurse on duty. E10 stated she never had complaints from residents until E4 started to work at the facility. E10 said R1 had told her E4 and E5 had called him a fat ba---ered. E10 said she told E14, LPN.</p> <p>E11, CNA, stated on 5-29-09 at 10:21AM, E11 stated she had reported suspected abuse on the Unit. E11 stated she did not witness the abuse, but when she would get morning report from E4, E4 always seemed angry about the residents as if they were bothersome to her. Every morning when E11 was getting residents up, they would complain about the girl with short blonde hair and glasses. R3 pointed to E4 when she said E4 slapped her. In the past, E11 stated she had reported to the nurse, whichever charge nurse was on duty, that residents do not like the blonde CNA with the glasses. R2 would complain about her and one day he came to her sobbing and asking if he was going to get his throat cut. He said "the short blonde girl with the glasses is going to slit my throat." This was about 3 weeks before the incident of 5-17-09. E11 stated, "It broke my heart." R3 and R4 would say she took their food and lock it in the closet. E11 stated she would get the food out of the closet and give it back to R3 and R4.</p> <p>E11 stated E4 showed her a camera phone video of E5 making fun of residents, R3, R4 and R5. E5 was imitating their behaviors of how R5 walks,</p>	F9999			

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F9999	<p>Continued From page 29</p> <p>how R3 is always calling her husband on the phone and how R4 is always asking to smoke. E11 said she told E15, the nurse. E11 stated this happened on 5-15-09. E11 stated the residents are no longer agitated when she comes to work, since E4 was fired. R2 has not cried since then. R3 is much better, has less behaviors. E11 stated there are not near as many behaviors on the Unit. E11 stated she had worked on the Unit for 8 months and never heard R3 complain of staff until E4.</p> <p>Interview with E1, Administrator, on 5-27-09 at 3:15PM, E1 stated E5 still worked at the facility. He stated he could not get proof there was a video of E5 making fun of residents. E4 and E5 denied it. E1 stated he investigated E5's talking about R1. E1 stated he considered it a dignity issue and handled it as that. E1 stated on 5-29-09 at 8:50AM, after he was informed of interview with E5, E5 was going to be terminated due to lying about and not reporting abuse. E1 stated he again talked to R1 and still feels E5's comments were a dignity issue.</p> <p>(A)</p>	F9999			