

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

PRINTED: 02/08/2010
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 14G181	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED C 08/12/2009
NAME OF PROVIDER OR SUPPLIER ELLNER TERRACE			STREET ADDRESS, CITY, STATE, ZIP CODE 801 MARKET STREET EVANSVILLE, IL 62242		
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W 153	Continued From page 37 and/or verbally aggressive to peers. Documentation of R1's physical and/or verbal aggression include: Pinning her room mate on the bed, trying to take her shoes, slapping, pushing, cursing, name calling, taking others belongings and taking food off peers plates. During interview with E1 (Residential Service Director) on 07/31/09 at 2:40 p.m., E1 stated that none of the incidents had been reported to the state officials.	W 153			
W9999	FINAL OBSERVATIONS LICENSURE VIOLATIONS 350.810a) 350.1060e) 350.1060h) 350.3240a) 350.3240f) Section 350.810 Personnel a) Sufficient staff in numbers and qualifications shall be on duty all hours of each day to provide services that meet the total needs of the residents. Section 350.1060 Training and Habilitation Services e) An appropriate, effective and individualized program that manages residents' behaviors shall be developed and implemented for residents with aggressive or self-abusive behavior. Adequate, properly trained and supervised staff shall be available to administer these programs.	W9999			

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W9999	<p>Continued From page 38</p> <p>h) There shall be available sufficient, appropriately qualified training and habilitation personnel, and necessary supporting staff, to carry out the training and habilitation program. Supervision of delivery of training and habilitation services shall be the responsibility of a person who is a Qualified Mental Retardation Professional</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>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>These Regulations were not met as evidenced by:</p> <p>Based on observation, interviews and record review the facility failed to ensure individuals' safety for 9 of 15 residents residing in this facility (R1, R2, R3, R4, R6, R7, R10, R12 and R13) when they failed to:</p> <p>1) Put systems in place when R1's physically abused her roommate and took her roommate's</p>	W9999			

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W9999	<p>Continued From page 39</p> <p>personal possessions, thereby allowing the abuse to continue.</p> <p>2) Put systems in place to prevent harm to others, when 1 of 1 resident in the facility began displaying increased incidents of physical and verbal aggression toward other residents living in the facility (R2, R3, R4, R6, R7, R10, R12 and R13) thereby creating an environment of fear.</p> <p>3) Ensure adequate supervision of a resident with a known history of leaving the facility without staff's knowledge to prevent harm to herself and others (R1).</p> <p>Findings Include:</p> <p>Upon review of R1's physician's order sheet dated 07/01/09 through 07/31/09, R1 is a 24 year old female who functions at a Severe level of mental retardation. Other diagnosis include: Mood disorder with psychosis, Chronic Mental Illness and Schizophrenia.</p> <p>Per review of R1's current physician's order sheet dated 07/01/09 through 07/31/09, R1 is prescribed the following medications for her behaviors: Abilify 15 milligrams every morning for schizophrenia and mood disorder with psychosis; Abilify 30 milligrams at bedtime for schizophrenia, mood disorder with psychosis; Clorazepate 7.5 milligrams twice a day for mood disorder; Clorazepate 15 milligrams at bedtime for mood disorder with psychosis; Trileptal 300 milligrams twice a day for mood disorder with psychosis; Depakote ER 250 milligrams twice a day for schizophrenia; Depakote 500 milligrams at bedtime; Paxil 10 milligrams daily for Bi-Polar NOS with psychotic features; Seroquel 400</p>	W9999			

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W9999	<p>Continued From page 40</p> <p>milligrams every evening for Bi-Polar disorder with psychotic features.</p> <p>R1's ICAP (Inventory for Client and Agency Planning) dated 08/08/08 states that R1 functions at an overall age equivalent of 1 year and 11 months.</p> <p>Review of R1's psychological evaluation dated 11/17/04, R1 has an Intelligence Quotient of 25. Documentation within this report continues to say, "(R1) is a potential danger to others due to her physical aggression. She is seen as a danger to self due to her inability to provide for her own basic, protect herself from harm and engages in SIB (self injurious behavior) on occasion when angry."</p> <p>During review of the facility's "Treatment Review/Human Rights Committee Meeting Minutes/Quarterly Infection Control Review" dated 07/07/09, documentation states, "...She is a threat to herself and others especially with her aggressive behavior."</p> <p>Upon review of R1's Individual Service Plan dated 08/27/08, R1 was admitted to this facility on 08/01/08. Prior to this admission R1 resided at home with her parents. This is R1's first community placement.</p> <p>R1's Individual Service Plan dated 08/27/08 continues to say that R1 weighs approximately 260 pounds and is 5' 5" tall.</p> <p>During observation on 07/22/09 from 3:00 p.m. until 4:00 p.m., R1 was observed to be wandering the facility at will. R1 stopped in front of surveyor several times and jumped up and down. R1 was</p>	W9999			

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W9999	<p>Continued From page 41</p> <p>also noted to jump in front of staff and other residents. R1 stood extremely close to surveyor when talking and poked surveyor several times in the arm to get surveyors attention. R1 ignored staff when they tried to redirect her.</p> <p>Per review of R1's Behavior Development Program dated 08/2008, upon admission to the facility R1 was put on behavior programs for: Self-Injurious behavior, hallucinations and verbal aggression.</p> <p>On 11/2008, R1's behavior programs were revised to include aggression.</p> <p>R1's behavior management program for aggression dated 11/2008 states:</p> <p>"1. If (R1) begins to become agitated or shows signs of aggression towards others, staff need to ask her if something is wrong or if she wants something, and to ask her to participate in coping skills (sitting outside, going to a quiet place, deep breathing, etc.). Praise (R1) if she complies with request.</p> <p>2. If (R1) continues to display or attempt to display aggressive behavior after one such attempt, staff will calmly remove the residents from the immediate area or ask (R1) if she is willing to go to a quiet area away from the others whichever is more feasible for the situation and to ensure the residents safety.</p> <p>3. Staff will use the least intrusive means possible to ensure resident safety.</p> <p>4. Once the area is quiet, one staff will ask (R1) if she is ready to participate in coping skills, if (R1) is not, staff will then tell (R1) that she will have 10 minutes to calm down and she can then return to the group. With visual observation (R1) will be</p>	W9999			

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W9999	<p>Continued From page 42</p> <p>monitored and staff will re-approach and ask if she is ready to return to the group or coping skills after the 10 minutes.</p> <p>5. Staff will continue to complete step 3 until (R1) has calmed down, not to exceed 30 minutes.</p> <p>6. If at any time (R1)'s behavior becomes unmanageable, has exceeded 30 minutes of intervention techniques, or she causes harm to herself or others, staff will immediately notify the RSD/QMRP and/or nursing.</p> <p>7. Staff will document all incidents of aggression on the BER (Behavior Event Record) documentation and if injury occurs staff are to complete an Accident/incident report.</p> <p>8. Staff will document in the MAR (Medication Administration Record) book (R1)'s menstrual cycle due to the history of possible correlation between increased aggression and menstruation."</p> <p>Upon review of R1's behavior management programs, R1's aggression program was not revised until 06/2009.</p> <p>Changes in R1's 06/20/09 revised behavior program for aggression state:</p> <p>"1. At any time (R1) shows signs of becoming aggressive staff need to firmly ask her to stop and ask her to participate in coping skills (deep breathing, etc.). If redirection is successful staff should give (R1) verbal praise."</p> <p>Although R1 continued to display incidents of physical, verbal and psychological abuse, the facility did not revise her behavior program for aggression again until 07/27/09, after an Immediate Jeopardy was called on 07/24/09.</p>	W9999			

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W9999	<p>Continued From page 43</p> <p>1) The facility failed to put systems in place when R1 physically abused her roommate and took her roommate's personal possessions. (R3 and R10)</p> <p>A) Review of R3's physician's order sheet dated 07/01/09 through 07/31/09 shows that R3 is a 28 year old female who functions at a Severe level of mental retardation. R3 has diagnoses which include: Impulse Control Disorder, Psychotic Disorder due to Static Encephalopathy and Hearing Loss.</p> <p>Documentation within the facility's "Behavior Event Record and General Event Records dated 06/01/09 through 07/24/09 state:</p> <p>06/08/09 - 7:20 p.m. - "I heard yelling went to (R1)'s room and saw that she had her roommate (R3) in the corner of the room and she was yelling and (R1) had all of her thing (s) (CLOTHES DOLLS THINGS FROM HER DRESSER) in her arms. I asked what was going on and (R1) said that the thing (s) she had was her and started getting mad yelling in deep voice (voice) and would not give them back to her room mate and put them in her clothes basket after 5 mins. I got most of her room mates thing(s) back to her."(Report typed as written).</p> <p>06/11/09 - 5:25 p.m. - "(R1) was in her room and she got all of her room mates (R3)'s thing (s) and put them on ripping (ripping) two pair of pants and 2 shirts. She was asked many time (s) to leave her room mates thing (s) alone she refused Tried (Tried) to get her to come do a game in the dinning (dining) room she refused". (Report typed as written).</p>	W9999			

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W9999	Continued From page 44 06/14/09 - 7:15 a.m. - "This morning (R1) woke up in a very aggressive mood. She wet on her clothes and was asked to take them off. When I get her to take them off she began to a little more aggressive to me. she started cusing (cursing) at me and other residents she was asked to stop. I took the wet clothes down to the landuary (laundry) room. (R1) come to the dining room and started eating breakfast then quickly took another residents's (resident's) food off their plate. Then she went to the landruy (laundry) room and tryed (tried) to take the wet clothes back out of the washer my self and other staff Asked her many times not to take them out we tried (tried) thing to redirect her attention else where But she was unable to she finally sat on the floor in front of the landruy (laundry) room and tryed (tried) to crawl into there she was asked again to stop she refused she started hitting the walls with her feet and trying to push pass (past) staff she then pushed on other staff's leg pining (pinning) her leg between the dryer and (R1)'s hand, after many trys (tries) to move (R1) away from staff she did finally more and then went to the dinning (dining) room and grabed (grabbed) a butter kife (knife) off of the table and came at me in a very aggissive (aggressive) manner. we went to take it away and she started swing (swinging) her arms around with the knife in her hands. Other staff and myself got it away from her after about 1 min. Then came back at us trying to get it back she swong (swung) her arms around to hit other staff she missed and stummbled (stumbled) and fell to the floor hitting her back on a chair. she sat there for about 1 min. then got back up and ran to her room when I went back to check on her she had flipped (flipped) over her's and her room mates (R3)'s bed and took out everything in all the draws (drawers) and threw it all over the room...".	W9999			

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W9999	<p>Continued From page 45 (Report typed as written).</p> <p>06/16/09 - 4:14 p.m. - "(R1) was in her room and her room mate (R3) went back to the room. I heard her room mate scream, I ran back to the room then and saw that (R1) had grabed (grabbed) her room mate's head with her arms (like in a head lock) and was trying to take her room mate's shoes pushing her room mate to the floor. I quickly got (R1) off of her and told her that it was unacceptable for her to put her hands on others. two other staff came back to help get her room mate out of the room (R1) was still trying to take the shoes back...". Documentation also says, "A female peer grabbed (R3) by her head and pulled her to the floor...". E1 identified the female peer as being R1. (Report typed as written).</p> <p>07/05/09 - 11:30 a.m. - "(R1) was in the dinning (dining) room and she wet her pants I asked her to go and change her clothes she didn't want to I went with her to help when we got back to her room she got very aggressive to me I asked her to stop she did I helped her take the wet clothes off she then got up and tryed (tried) to get the wet clothes back other staff came in and took the clothes to the washer and then (R1) got into her room mates (R3) clothes pulling thigngs (things) out of the dresser I took them from her she hit me I asked her to stop she backed me into (R3)'s dresser and tryed (tried) to hit me again I moved over the bed to the closet she chased me over there trying to swing at me. I walked by her to leave the room she grabed (grabbed) my arm and hit me again...". (Report typed as written).</p> <p>07/06/09 - 7:07 p.m. - "(R1) trying to hit staff moved out of the way. tryed (tried) swingat</p>	W9999			

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W9999	<p>Continued From page 46</p> <p>(swinging at) again hit my arm she walked to her room and stayed there for about 5 min. came with baby dolls and was drawing on them asked her not to draw on them they was not hers she continued and would not let me have the dolls". (Report typed as written).</p> <p>07/20/09 - 3:50 p.m. - "(R1) and her room mate (R3) was in their room The room mate yelled I went back to check on things and (R1) had her room mate pinned (pinned) on her bed trying to take her room mates shoes from her I told her to ger (get) off of her she did her room mate moved to the other side of the room (R1) started to pick up things her room mate tryed (tried) walking pased (past) her (R1) started swing at her with her shoe the room mate ran out the room". (Report typed as written).</p> <p>During interview with E1 on 07/22/09 at 1:00 p.m., when asked what had been put in place to prevent R1 from harming her room mate and others, E1 stated that on 07/13/09, R1 was placed on 15 minute checks. E1 described the 15 minute checks as, "Staff are to check on her - see what she's doing." E1 continued to say that there have been no episodes of peer to peer aggression since the 15 minute checks were initiated.</p> <p>Per interview with E1 on 07/23/09 at 2:00 p.m., when asked about the incident in which R1 had her room mate pinned on the bed and was taking her shoes on 07/20/09, E1 said that she was not aware of the incident. When asked what had been put in place after the 07/20/09 incident, E1 said nothing additional had been implemented and that the 15 minute checks continued. E1 also said that R3 is still R1's room mate.</p>	W9999			

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W9999	<p>Continued From page 47</p> <p>Review of documentation sent to surveyor by E1, R3 was R1's room mate from 05/30/09 until 07/27/09, at which time R10 was placed as R1's room mate.</p> <p>B) Per review of R10's current physician's order sheet dated 07/01/09 through 07/31/09, R10 is a 56 year old female who functions at a Profound level of mental retardation. Other diagnosis includes Glaucoma, Cataracts both eyes and Optic Nerve Atrophy.</p> <p>Per interview with E1 on 07/23/09 at 2:00 p.m., E1 stated that R10 is blind.</p> <p>During review of the facility's Behavior Event Record dated 03/20/09 documentation states:</p> <p>"(R10) went by heere (her) (R1) she pushed her (R10)".</p> <p>Upon review of the facility's General Event Record dated 07/05/09 documentation states:</p> <p>07/05/09 - 10:45 a.m. - "(R10) was walking into the kitchen and (R1) was standing in the kitchen and (R1) started walking out and pushed (R10) out of her way..."</p> <p>During confidential interview with E10 on 07/31/09 at 3:50 p.m., E10 stated that R1 gets up through the night and turns the bedroom light on, starts talking and putting on clothes. E10 said that when R1 gets up, this wakes her roommate (R10) up also.</p> <p>Per confidential interview with E7 on 07/23/09 at 2:30 p.m., E7 stated that she has observed R1</p>	W9999			

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W9999	<p>Continued From page 48</p> <p>being physically aggressive to the other residents living in the facility. E7 said that R1 hits and pushes everyone. E7 also said that about the first week in June 2009, R1 had R3 pinned on her bed in the bedroom. E7 continued to say that about the middle of June, while the residents were eating in the dining room, R1 pushed R3 and R10, grabbed a butter knife and pointed it at another staff person. E7 said that she told the more able residents to get R4 (who uses a wheelchair for all mobility) and R10 (who is blind) out of the way. E7 said that E1 was then called at home. E7 said, "Her solution was to put (R1) in the van and drive her around." E7 also stated that R1 is, "Very aggressive, it doesn't matter who it is or what it is, if she wants it she'll move you out of the way to get it." E7 said that the residents are afraid of R1 and that R10 gets aggitated anytime R1 comes near her. (R12) told me she's afraid of her. She broke (R3)'s beads and takes all her stuff. R3 just screams. R13 used to have a collection of china dolls and R1 broke them. When they put R4 in with R1 (as roommates), R4 cried every night and wouldn't go to the room until R1 was asleep." E7 continued to say that she has told E1 about R1's aggressive behaviors and E1 says that this is her (R1)'s home - try and redirect her.</p> <p>2) The facility failed to put systems in place to prevent harm to others when R1 began to display increased abusive behaviors.</p> <p>A) R1's Peer to Peer physical aggression:</p> <p>1. Upon review of R2's physician's order sheet dated 07/01/09 through 07/31/09, documentation states that R2 is a 68 year old male who functions at a Mild level of mental retardation.</p>	W9999			

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W9999	<p>Continued From page 49</p> <p>Other diagnosis include: Hypertension, Schizophrenia, Venous Insufficiency with peripheral edema, Diabetes Mellitus type II, Joint Pain, Hyperlipidemia and Gouty Arthritis.</p> <p>2. Per review of R4's physician's order sheet dated 07/01/09 through 07/31/09, R4 is a 55 year old female who functions at a Profound level of mental retardation. R4 has diagnosis which include: Epilepsy, Cerebral Palsy, Depression and Anxiety.</p> <p>R4 requires the use of a wheelchair for all ambulation.</p> <p>3. Per review of R6's physician's order sheet dated 07/01/09, R6 is a 43 year old female who functions at a Mild level of mental retardation. Other diagnosis include: Schizophrenia, Bi-Polar Disease, Manic Depression and Affective Disorder.</p> <p>4. Upon review of R7's physician's order sheet dated 07/01/09 through 07/31/09, R7 is a 58 year old male who functions at a Profound level of mental retardation. Other diagnosis include: Hydrocephalus, Major Motor Seizures and Developmental Language Disorder.</p> <p>During review of R1's General Event Records and Behavior Event Records dated 06/01/09 through 07/25/09, surveyor noted the following incidents regarding R1:</p> <p>06/01/09 - 7:30 a.m. - "Another resident was getting sodas ready for workshop and (R1) grabbed her arm tight and tried to get soda from her." E6 (staff) identified the resident as R12.</p>	W9999			

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W9999	<p>Continued From page 50</p> <p>06/27/09 - 5:30 p.m. - "(R1) was getting (R6) very upset this evening because she kept trying to take her clothes away and wearing them herself. Staff tried several times to intervene and take clothes away from (R1) and give them back to (R6)...."</p> <p>07/05/09 - 8:35 a.m. - "(R1) came into the kitchen and was try to put her hand on the oven burner I asked her to stop many times trying to redirect her. She then turned and went over to a resident's plate and tryed (tried) many time (s) to take the food off it we moved the plate then she got arressive (aggressive) with I trying to hit me swinging her fist at me other staff walked over asked her to stop she refused then bent over the counter getting her hair in food and ketchup We asked her again to stop. She slid backwards down the counter dropping (dropping) her self to the floor she laid the (there) for about 5 min. then got up and went to the dinning (dining) room and took one other resident's food and tryed (tried) to take another but was stop (stopped) before she could take it.Then she walked back into the kitchen and tryed (tried) to get get someone elses food...". (Report typed as written).</p> <p>Continuing documentation in R1's Behavior Event Record and the facility's General Event Report state:</p> <p>07/06/09 5:30 a.m. - "Taking clothes causing (cursing) at staff trying to hit staff residents". (Report typed as written).</p> <p>07/07/09 - 8:15 a.m - (At Workshop) "Workshop staff stated that (R1) was pushing (R4) in her (wheelchair) then grabbed (R4)'s arm and pulled it over her head."</p>	W9999			

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W9999	<p>Continued From page 51</p> <p>07/08/09 - 2:19 p.m. - "A peer came home with a box of items, (R1) tried to take it from him, he then yelled at her and she hit him in the face even though staff was intervening (intervening). While re-directing (R1) she hit staff in the head and arms, (R1) was walking towards her room and then turned and hit a different peer in the face...." (E1 identified the peer with the box as being R2 and the second peer that she hit in the face as being R7). (Report typed as written).</p> <p>Continuing documentation in R1's Behavior Event Record and the facility's General Events Report state:</p> <p>07/08/09 - 2:25 p.m. - "(R7) was slapped in the face by a peer...." (Peer was identified by E6 as being R1).</p> <p>During a confidential interview on 07/23/09 at 10:30 a.m., surveyor was informed that this staff had observed R1 slap R7, "last week". The confidential source stated, "(R1) knocked the crap out of him (R7)." The source continued to say that she has witnessed R1 grab R4's wheelchair and try to dump her out of it. The source also stated that R1 wears everybody's clothes and tears them and constantly walks away from the facility. The confidential interviewee also said that sometimes R1 gets away from staff when outside. The source said that E1 and E2 are both aware of R1's behaviors.</p> <p>07/19/09 - 9:25 a.m. - "...tried to attack another resident's food..."</p> <p>07/19/09 - 9:51 a.m. - "...again started to attack another resident's food...."</p>	W9999			

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W9999	<p>Continued From page 52</p> <p>07/19/09 - 2:45 p.m. - "(R1) wanted to go for a walk again for the 20th time today and when staff said "give me a minute" at which point she grabbed the back of another resident's wheelchair and lifted back wheels trying to "dump" resident out of it!"</p> <p>07/25/09 - 1:50 p.m. - "(R1 attempted to grab another resident in (wheelchair) (at) facility. Staff threw themselves between the 2 residents to prevent injuries and staff member was pushed (and) hit by (R1)...."</p> <p>During interview with R2 on 07/22/09 at 3:30 p.m., when asked if there was anyone at the facility that he was afraid of, R2 replied, "(R1)." R2 stated that R1 hits everyone. R2 continued to say that he saw R1 hit R4 in the arm. R2 said, "Lucky she hit her in the arm, if she hit her in the neck - that's a good way to kill somebody - that's what I'm afraid of - she'll kill someone. I'm afraid of her. She just walks up behind somebody and whomps them. Hits even (R7) - can't guarentee what I'd do if she hurt (R7). That's the thing about it, (R7) couldn't fight back, not even sure (R3) could." "Hits staff too - upsets me." "Hits about everyone here - hurts - she hits hard. Told staff if she ever hit me again, I would call state police...." R2 requested the IDPH hotline number from surveyor so he could call if he needed to.</p> <p>Per interview with R6 on 07/22/09 at 4:05 p.m., when asked if there was anyone at the facility that she was afraid of, R6 nodded to indicate "Yes." When asked who, R6 stated, "(R1)." Surveyor asked R6 why she was afraid of R1 and R6 stated, "Never know when she's going to jump on you and do stuff - broke in the bathroom</p>	W9999			

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W9999	<p>Continued From page 53</p> <p>and beat me on the face and chest and shoulders. Shut my hand in the door. Comes in my room all the time - goes through my stuff - ripped up most of my clothes. Calls me names, B and stuff - staff don't do nothing. One time she (R1) was trying to kiss me - I don't like kissing other girls. Staff said they was going to write her up - they didn't tell her to stop or nothing. She takes my stuff too - my tv remote batteries, I've had hair stuff missing - shoes - books. I found half my dresses and clothes in (R1)'s closet."</p> <p>During interview with R5 on 07/22/09 at 3:55 p.m., when asked if there was anyone at the facility that R5 was afraid of, R5 said, "That (R1)'s a mean one, that (R1)'s a mean one. Belongs out of here. Hits everybody - afraid of her. She's scary - never know what that girl's going to do next. Hits staff and residents both. Hits hard." "...E1 and E2 (Administrator) know's she hits people - don't know what they do about it - she still hits."</p> <p>B) R1's Peer to Peer aggression during the midnight shift where only 1 staff is available as documented in the facility's General Event Report and Behavior Event Records:</p> <p>03/06/09 - 2:00 a.m. - "Very loud while others are sleeping tryed (tried) to redirect several times." (Report typed as written).</p> <p>03/06/09 - 5:00 a.m. - "Hitting staff she was up set ask her to change clothes several times more clothes on then needed his staff scratched staff would not let out of her rm (room) till she was calmed down also throught (threw) her clothes on floor and bed refused to pick them up the only reason would not let her out of her rm (room)</p>	W9999			

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W9999	<p>Continued From page 54</p> <p>other residents wer (were) up (upset) i did not want her to hit them she was not in a good mood this moring went back to sleep before day staff got here very rude to residents and staff". (Report typed as written).</p> <p>03/06/09 - 3:24 a.m. - "Being very loud while others are trying to sleep. ask her to go back to bed would not do it ask please lower her voice would not do it i told her others trying to sleep she did not care tryed (tried) to redirect her would not listen to me being very loud while others trying to sleep. making all kinds of noises to." (Report typed as written).</p> <p>03/15/09 - 5:30 a.m. - "Calling people names and causing (cursing) at them last few days taking stuff out of her dressers putting them in her laundry basket being rude to others." (Report typed as written).</p> <p>03/20/09 - 2:00 a.m. - "Throught (threw) the chair in laddies (lady's) bathroom ask her to leave bathroom then she tryed (tried) hitting staff pussing (pushing) staff using all her weight to push staff down causing (cursing) at staff and residents calling names to others being (been) going on sinch (since) shre (she) woke up at 2am tryed (tried) several different times to redirect her refused everything i tryed (tried) did not want to do also fell on her back check her out shes ok frll (fell) between hallway door on laddies (lady's) side then got up tryed (tried) hitting me pushing me etc." (Report typed as written).</p> <p>03/20/09 - 3:34 a.m. - "(R1) throught (threw) the chair in bathroom ask her to stop fo (go) to her room refused to do so tryed (tried) many different ways to redirect her got mad hit staff pushed staff</p>	W9999			

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W9999	<p>Continued From page 55</p> <p>calling others bad names cussing at others telling them to shut up b word ask several different times to quit or to go to er (her) rm (room) did not lissten (listen)to staff refused everything i tries (tried) to do for her got another resident very upset at (R1) calling her names (R1) was very rude to the other residents yelling screaming while they are trying to sleep she was not very nice to residents or others including staff aso (also) fell trying to push me fell in between laddies (lady's) hallway she is ok check her out cussing still going on it 333 am very rude she thaanks (thinks) its funny to." (Report typed as written).</p> <p>03/20/09 - 4:00 a.m. - "Started up again hitting staff causing (cursing) at residents tryed (tried) to redirect her did nopt (not) work others got upset with (R1) calling them names tryed (tried) to hit (R1) staff stoped (stopped) them." (Report typed as written).</p> <p>During a confidential interview with E10 on 07/31/09 at 3:50 p.m., E10 stated that R1 gets up at night usually between 11:00 p.m. and 4:00 a.m.. E10 said that R1 gets up at least 3 to 4 nights a week and stays up for a couple of hours each time. E10 continued to say that when other residents get up to go to the bathroom, they "check on me" and that if R1 is up, then R1 starts yelling and cursing the residents.</p> <p>During same interview, E10 stated, "The residents are not safe with her (R1). She's very abusive - I fear for staff and fear for the residents."</p> <p>C) The facility failed to ensure that all resident's do not live in an environment of fear:</p>	W9999			

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W9999	Continued From page 56 Documentation within R1's Behavior Event Record and General Event Report dated 07/01/09 through 07/24/09 state: 07/01/09 - 7:05 p.m. - "...(R1) pushed staff against wall to get outside." 07/05/09 - 9:15 a.m. - "I was in the bathroom assisting (R4) when (R1) came in and wanted to go for a walk. It was raining (raining) at the time so I told her we couldn't. I bent down to pick up something and she (R1) hit me in the side of the head." (Report typed as written). 07/05/09 - 9:47 a.m. - "I was in the kitchen doing dishes and (R1) wanted to go for a walk. I told her that we couldn't because it was raining. She punched me in the side." 07/05/09 - 12:45 p.m. - "...She punched me (staff) in the leg." 07/07/09 - 5:20 p.m. - "(R1) pushed staff into the wall." 07/08/09 - 6:10 a.m. - "staff was helping (helping) (R1) get one pair of close (clothes) on and she started hitting staff on the leg...." (Report typed as written). 07/08/09 - 7:20 a.m. - "(R1) refused several attempts to get her to take her layers of clothes off. Staff tried to redirect (R1), talk to her and reason. Staff gave her time to 10 minutes to think about her choices. When staff came back (R1) pushed on staffs' arm and attempted to grab staff by the wrist."	W9999			

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W9999	<p>Continued From page 57</p> <p>07/08/09 - 2:30 p.m. - "(R1) approached staff in the hallway, I started to speak to (R1) and she punched me in the jaw...."</p> <p>07/12/09 - 1:00 p.m. - "(R1) in the dinning (dining) room was getting upset came at me swining (swinging) punched me in the left arm in the right shoulder hit me and my head staff tryed (tried) to get in between her and myself other staff got in the arm got her sat in a chair. went to the kitchen got a dust pan she hit other staff in the head with the dust pan. tryed to hit me again...." (Report typed as written).</p> <p>07/13/09 - 4:35 p.m. - "Was asked to help (R1) with her clothes I tryed (tried) when I started to help her she got very aggressive and slaped (slapped) me in the arm 2x tryed (tried) to slap me again but another staff came in and she went to another room." (Report typed as written).</p> <p>07/17/09 - 5:45 a.m. - "(R1) became upset when staff re-directed her from wearing multiple layers of clothing, she was hitting staff and cussing".</p> <p>07/17/09 - 5:30 p.m. - "(R1) was "flipping off" staff, cursing, slapping self and staff, laying on floor refusing to get up, laying on front porch and tried to pick up porch swing with her feet, pushed swing against front door, and tried to shove it through window in front room!.</p> <p>07/18/09 - 10:10 a.m. - "(R1) was attempting to take food out of the refrigator (refridgerator) and whas (was) being re-directed by staff she became aggressive hitting staff several times...." (Report typed as written).</p> <p>07/19/09 - 12:50 p.m. - "Staff member was</p>	W9999			

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W9999	<p>Continued From page 58</p> <p>standing by hutch in dining room, filling out paperwork, when (R1) walked over and stepped on her foot and then "smashed" her foot by applying pressure to it."</p> <p>07/19/09 - 1:07 p.m. - "walked up to me and smacked me in the face. when asked why she did that (R1) said cuz."</p> <p>07/19/09 - 1:10 p.m. - "I ask (R1) if she needed help with her hair (R1) said yes I then walk (walked) over to her she was sitting in her bed when I got in front of her she then started kicking my leg...." (Report typed as written).</p> <p>07/23/09 - 7:05 a.m. - "staff came in with a soda, (R1) tried to take the soda, staff explained to (R1) that it was inappropriate (inappropriate) to take othe (other) people (s) things - (R1) then hit staff." (Report typed as written).</p> <p>Upon review of R1's initial psychiatric evaluation with Z3 (Psychiatrist) on 07/20/09, documentation states, "Presenting Symptoms: Increase agitation and aggressive behavior for the last six months." "...She grabbed shoes she saw in my office and became aggressive when it was tried to take te (the) shoes away from her. She did talk about her desire to eat and finally surrendered the shoes in exchange for being taken out to eat and a peace (piece) of chocolate...." (Report typed as written).</p> <p>Documentation on R1's Behavior Event Record dated 07/20/09 at 12:00 p.m. states, "On the way to (Z3's) office (R1) kept poking me on my right arm. I asked her to stop and she did eventually. At (Z3)'s office she took (Z3)'s shoes 3 times. She put them on her feet one time. I asked her to take them off and she hit me 2 times. She finally</p>	W9999			

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W9999	<p>Continued From page 59</p> <p>gave them back to (Z3). I asked her to sit in the back seat on the way home. She refused. As I was pulling out of the driveway she grabbed the steering wheel and hit the dumpster...."</p> <p>During interview with R12 on 07/22/09 at 2:20 p.m., R12 stated that approximately 1 week ago, she was asleep and awakened about 4:00 a.m. by R1 and E3 (Direct Support Staff) arguing. R12 said that E3 was saying, "Don't hit me again - don't call me names." R12 stated that she got up and was standing by the telephone. R12 continued to say, "I was going to call 911 if she hit (E3) again."</p> <p>Per interview with R11 on 07/22/09 at 3:45 p.m., R11 stated that R1 always hits people and that it bothers him when she hits others. R11 continued to say, "...Hit (E3) then walked off out the door. Everybody told her to stop hitting staff - she wouldn't." "Steals everybody's food - I don't like that - I want her moved out - that's what I want."</p> <p>During interview with E1 (Residential Service Director) on 07/22/09 at 1:00 p.m., E1 stated that the facility initiated every 15 minute checks for R1 on 07/13/09. E1 said that staff are to check on R1 every 15 minutes to see what she is doing. E1 continued to say that the 15 minute checks are not done at day training because R1 does not display aggressive behaviors there. E1 stated that there had not been any incidents of peer to peer aggression from R1 since the 15 minute checks were initiated on 07/13/09.</p> <p>Per interview with E1 on 07/24/09 at 12:35 p.m., when asked if the 15 minute checks were sufficient to prevent R1 from abusing others, E1 said, "It's helping."</p>	W9999			

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W9999	<p>Continued From page 60</p> <p>Per review of the facility's General Event Report, documentation on 07/08/09 at 8:14 a.m., states, "(R4)'s right hand was lifted/pulled over her head by a peer at workshop...."</p> <p>Documentation on R1's Behavior Event Record dated 07/07/09 at 8:15 a.m. states, "Workshop staff stated that (R1) was pushing (R4) in her chair then grabbed (R4)'s arm and pulled it over her head."</p> <p>During interview with a confidential source on 07/22/09 at 1:10 p.m., the staff person stated that they have noticed an increase in R1's aggressions towards other residents. The confidential staff also said that she has seen R1 hit peer R2.</p> <p>Per confidential interview with E9 on 07/22/09 at 1:10 p.m., E9 stated that she has noticed an increase in R1's aggressive behaviors toward other residents living at this facility. E9 continued to say that R1 has started layering her clothing and when staff asks her to remove part of them, she gets really upset.</p> <p>3) The facility failed to ensure adequate supervision of a resident with a known history of leaving the facility without staff's knowledge to prevent harm to herself and others (R1).</p> <p>Upon review of R1's Resident Ability Assessment dated 08/05/08 documentation states that R1 does not move out of the path of an emergency vehicle, does not walk away from strangers who approach him/her from a car/street and does not know what to do if lost.</p>	W9999			

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W9999	<p>Continued From page 61</p> <p>Per review of R1's Behavior Management Program for Leaving the Designated Area dated 07/2009, documentation states:</p> <p>"1. Anytime that staff hear any door alarm they are to check to see who is coming in or going out (as per policy). If (R1) is going out they need to monitor her to ensure that she is not leaving the property.</p> <p>2. At any time (R1) begins to leave the property, staff is to redirect (R1) by asking her to help them with an activity or with a domestic duty that she enjoys i.e. helping in the kitchen, mopping the floor, drawing etc...Praise (R1) is she complies with request.</p> <p>3. If (R1) does not want to follow a directive from staff, staff will attempt to determine the cause of the behavior and modify the situation if possible, i.e. if she wants to go for a walk ask her to come inside to see if any peers would like to walk along, or that the other staff need to know first then "we" can take a walk, etc...</p> <p>4. If (R1) continues to leave the designated area, staff is to go with her as they need to be with her at all times; because she does not always watch for cars and will go onto others property.</p> <p>5. This process should continue until (R1) has returned to the facility property...."</p> <p>During review of the facility's, "Treatment Review/Human Rights Committee Meeting Minutes/Quarterly Infection Control Review" dated 07/07/09, documentation states, "6/19/09 (R1) asked staff to take her for a walk. staff asked (R1) to wait a few minutes while they were helping a peer. (R1) went for a walk around the school without waiting for staff."</p> <p>Review of R1's Behavior Event Record and</p>	W9999			

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W9999	<p>Continued From page 62</p> <p>General Events Report documentation states:</p> <p>07/25/09 - 1:20 p.m. - "(R1) was on a walk with staff she went into the (name of local restaurant) and tryed (tried) to get behide the cook station staff tryed (tried) telling her not to they got her a soda then she got up started going for the food I put myself between her and the food and she put her hands into the food anyway she smacked my arms many time (s) trying to get the other customer (customers) food push (pushed) me into the salad Bar again pinching my arm pushing her weight on me finnaly (finally) after 30-or so min. she got into the Van I took her home with staff she came in pushed another staff then pushed and smacked at me again." (Report typed as written).</p> <p>During confidential interview on 07/23/09 at 9:55 a.m., the confidential source stated that 3 to 4 weeks ago she had called the facility and informed them that R1 was walking by herself about 1 1/2 blocks from the facility. The confidential source said that staff had to go look for her in the van. The confidential source continued to say that E1 and E2, "Know what's going on, I talk to them on a regular basis about R1."</p> <p>Upon review of the facility's disciplinary reports, documentation shows that on 03/07/09 two direct care staff were disciplined regarding R1 leaving the facility without staff's knowledge.</p> <p>Documentation states, "On 3-7 you did not know that a client was in the neighbors yard...." (E1 identified the "client" as being R1).</p> <p>On 07/12/09, documentation within a direct staff</p>	W9999			

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W9999	<p>Continued From page 63</p> <p>person's "Disciplinary Action Notice" states, "On 7-12 you did not know that a client went for a walk around the school...." (E1 identified the "client" as being R1).</p> <p>On 07/23/09, documentation within another staff person's "Disciplinary Action Notice" states, "On 7-23 you did not respond when the door alarm sounded, and a client was across the street without your knowledge...." (E1 identified the "client" as R1).</p> <p>During interview with E1 on 07-23-09 at 4:30 p.m., E1 stated that at 6:30 a.m. today, R1 went outside, staff saw her leave the facility, but R1 was across the street before staff got to her.</p> <p>On 07/23/09 at 4:45 p.m., as surveyor was reviewing incidents and reviewing staff disciplinary reports regarding R1 leaving the facility without staff's knowledge, E1 informed surveyor that E2 had called and put R1 on 1:1 during waking hours to keep R1 from leaving the facility without staff's knowledge. E1 continued to say that the 1:1 is only at the facility because R1 doesn't go for walks at workshop. E1 also said that 1:1 is not to be done at night because R1, "Typically sleeps all night and won't go out after dark."</p> <p>During same interview with E1, when asked if the facility followed their abuse and neglect policy regarding R1's abuse to others, E1 said, "Should have done it sooner (1:1) - maybe some of the physical and mental could have been avoided."</p> <p>Documentation on R1's Behavior Event Record dated 07/20/09 at 6:10 p.m., states, "(R1) was attempting to go for a walk with out staff staff got</p>	W9999			

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W9999	<p>Continued From page 64</p> <p>her at sidewalk. (R1) became very out of control. first thing she began to go up to people in the community and knock on them. She walked threw (through) a lady's flowers and lady was very upset asking staff to keep her out of them she had already kill (killed) many of her flowers. staff tryed (tried) to redirect her many time (s) being unseccesful. (unsuccessful). while walking back after much encouragement she began to kick rock (s) on peoples car makeing (making) the car owner MAD!!!!!!!!!!!!!! Car owner was very upset and told staff to keep her away from (from) her car. cussing (cursing) loudly while on walk. Tryed (Tried) everything posible (possible) to redirect her home but she was unwilling to go after 45 min. she came home. Tryed (Tried) many thing (s) to get her to come back and stay with me it was very hard to do so this time." (Report typed as written).</p> <p>Per interview with Z2 (Community Person) on 07/29/09 at 11:50 a.m., Z2 stated that when R1 goes outside to go for a walk, she cuts through Z2's garden and has destroyed some of her flowers. Z2 also said that R1 has stood kicking rocks at her son's car. Z2 said that she lives very close to the facility and that Saturday before last she was sitting outside when she heard (R1) coming up the street. Z2 then said R1 came into her yard and cut through her flowers and started walking towards the church. Z2 said that no one was with R1 at this time. Z2 said that she got into her car and went to the facility where she told the direct care staff that R1 was walking toward the church. Z2 continued to say that she took staff to look for R1 in Z2's car. R1 was found standing in the middle of the street approximately 6 to 7 blocks from the facility. Z2 said the staff rolled the car window down and told R1 to get in that they</p>	W9999			

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W9999	<p>Continued From page 65</p> <p>were going for a ride. Z2 said R1 got into the car and they were able to get her back to the facility. Z2 also said, "If I hadn't been outside - nobody would have known where she had gone." Z2 continued to say that she sees the staff at the facility take a group of residents for walks and that staff, "Have a hard time keeping her (R1) out of the street with a group."</p> <p>During interview with Z4 (Community Person) on 07/28/09 at 10:55 a.m., Z4 stated that, "Sunday before last" at approximately 5:00 p.m., she saw R1 walking across the street from the facility and E11 (Direct Support Person) was trying to catch her. Z4 continued to say that R1 was totally disregarding E11 telling her to stop and wait for him. Z4 stated that she knows R1 so she met her at the curb and started talking to her. Z4 said that R1 wanted Z4's sunglasses and Z4 told her no. Z4 continued to say that she used the sunglasses as a bribe to get R1 back to the facility by telling R1 that when they got home, she could see the sunglasses. Z4 said that she and R1 began walking back to the facility when R1 turned around and began walking away. Z4 said that R1, "Walked across (name of street) and didn't even slow down or look for traffic." Z4 said that there was alot of traffic that day including motorcycles. Z4 stated that when R1 crossed the street, E11 told Z4 to call the facility to help him. Z4 said that she called the facility and told a staff person that E11 could not get R1 back to the facility by himself. Z4 continued to say that at that time, R1 and E11 went around a corner and she lost track of them. Z4 stated, "One staff couldn't control her. I was concerned that she was going to walk out into the street with cars coming."</p> <p>Upon review of the facility's tracking sheet for</p>	W9999			

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W9999	<p>Continued From page 66</p> <p>R1's Aggression, Hallucinations, Layering of clothing and Leaving designated area dated 08/08/08 through 07/23/09, documentation shows that 08/2008, R1 had no episodes of any of the specified behaviors. The targeted behaviors have gradually increased as R1 had 19 documented episodes of Aggression in June 2009. July 2009, documentation shows that R1's Aggression is at 63 episodes, 20 episodes of Hallucinations and 32 episodes of layering of clothing.</p> <p>Per interview with E1 on 07/24/09 at 12:30 p.m., E1 stated that the documentation for the number of episodes of Hallucinations was not correct and that there were more episodes of hallucinations than the 20 as documented.</p> <p>The facility failed to: 1)Put systems in place when R1's physically abused her roommate and took her roommate's personal possessions, thereby allowing the abuse to continue, 2) Put systems in place to prevent harm to others, when R1 began displaying increased incidents of physical and verbal aggression toward other residents living in the facility (R2, R3, R4, R6, R7, R10, R12 and R13) thereby creating an environment of fear, and 3) Ensure adequate supervision of R1 with a known history of leaving the facility without staff's knowledge to prevent harm to herself and others (R1).</p> <p>The facility failed to put systems in place to prevent R1 from inflicting harm to others when she began to display increased incidents of physical, verbal and psychological abuse towards peers, thereby creating an environment of fear. The facility also failed to ensure adequate supervision of R1 with a known history of leaving the facility without staff's knowledge to prevent</p>	W9999			