

Illinois Department of Public Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>IL6002489</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>12/18/2020</b>
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NAME OF PROVIDER OR SUPPLIER  <b>APERION CARE CAPITOL</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>555 WEST CARPENTER SPRINGFIELD, IL 62702</b>
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S9999	<p><b>Final Observations</b></p> <p>Statement of Licensure Violation:</p> <p>300.610a) 300.1210b) 300.1210d)3) 300.1220b)3) 300.3240a) 300.3240e)</p> <p>Section 300.610 Resident Care Policies</p> <p>a) The facility shall have written policies and procedures governing all services provided by the facility. The written policies and procedures shall be formulated by a Resident Care Policy Committee consisting of at least the administrator, the advisory physician or the medical advisory committee, and representatives of nursing and other services in the facility. The policies shall comply with the Act and this Part. The written policies shall be followed in operating the facility and shall be reviewed at least annually by this committee, documented by written, signed and dated minutes of the meeting.</p> <p>Section 300.1210 General Requirements for Nursing and Personal Care</p> <p>b) The facility shall provide the necessary care and services to attain or maintain the highest practicable physical, mental, and psychological well-being of the resident, in accordance with each resident's comprehensive resident care plan. Adequate and properly supervised nursing care and personal care shall be provided to each</p>	S9999	<p style="text-align: center;"><b>Attachment A Statement of Licensure Violations</b></p>	
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LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE \_\_\_\_\_ TITLE \_\_\_\_\_ (X6) DATE \_\_\_\_\_

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S9999	<p>Continued From page 1</p> <p>resident to meet the total nursing and personal care needs of the resident.</p> <p>d) Pursuant to subsection (a), general nursing care shall include, at a minimum, the following and shall be practiced on a 24-hour, seven-day-a-week basis:</p> <p>3) Objective observations of changes in a resident's condition, including mental and emotional changes, as a means for analyzing and determining care required and the need for further medical evaluation and treatment shall be made by nursing staff and recorded in the resident's medical record.</p> <p>Section 300.1220 Supervision of Nursing Services</p> <p>b) The DON shall supervise and oversee the nursing services of the facility, including:</p> <p>3) Objective observations of changes in a resident's condition, including mental and emotional changes, as a means for analyzing and determining care required and the need for further medical evaluation and treatment shall be made by nursing staff and recorded in the resident's medical record.</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</p>	S9999		

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S9999	<p>Continued From page 2</p> <p>neglect a resident. (A, B) (Section 2-107 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>This Requirement is not met as evidenced by:</p> <p>Based on interview and record review, the facility failed to ensure residents are not sexually abused for one of one resident (R2) reviewed for sexual abuse in the sample of 5. This failure resulted in R2 engaging in an ongoing sexual relationship that included sexual intercourse with a facility employee, V4 (Housekeeper).</p> <p>This failure occurred when V4, Facility Employee, began having sex with R2. R2 is vulnerable for exploitation and abuse related to her diagnoses of bipolar disorder, major depressive disorder, anxiety disorder, and disruptive mood dysregulation. Due to R2's vulnerability for exploitation related to these diagnoses, this failure increased her likelihood for risk of psychosocial harm and potential future abuse.</p>	S9999		

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S9999	<p>Continued From page 3</p> <p>Finding includes:</p> <p>On 11/25/2020 at 1:12 AM, R2 Nurse's Note documented "Resident (R2) was upset, stated she was asked to leave the facility by one of the house keepers to have sexual intercourse, she was very upset that she would be in trouble, informed her that (V1, Administrator) was informed by the 2p-10p nurse and that she is not in trouble, redirected her and informed her that everything would be ok and to get some rest. Resident verbalized understanding and went to her room, nurse checked on her 30 min later and she was sleeping."</p> <p>On 11/25/20 at 9:30 AM, V1 documented an interview with R2. The interview documented R2 informed V1 that she was having an ongoing sexual relationship with V4, Housekeeper that included sexual intercourse since March, 2020.</p> <p>On 11/25/20 at 10:15 AM, V1 documented in investigation notes, the local police were notified of the allegation. Investigation notes documented, at 10:30 AM, R2 was interviewed via telephone by the police.</p> <p>On 11/25/20 at 12:17 PM, V6, Nurse Practitioner, documented in nurse's notes, R2 stated "She has been having a sexual relationship with an employee of the facility. She tells me that this relationship has been going on since March 2020. She tells me that she would go to his office and have sexual intercourse with him. However, she is now wanting the relationship to stop. She is very upset and worried that he will get in trouble."</p> <p>The facility obtained social media screen shots from R2's mobile phone of messages between R2 and V4. Screen shot of message between R2</p>	S9999		
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S9999	<p>Continued From page 4</p> <p>and V4 dated 9/12/20 at 1:36 PM, documented "Love you much more, when u want me to come down." The response from V4 was documented as, "How about tomorrow." R2 responded, "I'll try." On 09/12/20 at 2:31 PM, V4 documented, "Hey sexy." On 09/27/20 at 2:34 PM, the social media pictures documented V4 stated "I love you win [sic] you sick [sic] d***." R2's response was documented as "I know bae, I love it when you put it in. I wish you were here in my room to give me some." V4 then documented the response as "I love you." R2's response was documented as "I love you more."</p> <p>On 12/10/19, a County Court Order documented R2 was an alleged disabled adult and appointed V19, R2's Grandfather, as her legal guardian.</p> <p>The Physician's Order Sheet (POS), dated 12/01/20, documented R2 had the following diagnoses, in part as, Bipolar Disorder, major depressive disorder, anxiety disorder, chlamydia (sexually transmitted disease) and disruptive mood dysregulation.</p> <p>R2's Minimum Data Set (MDS), dated 10/19/20, documented R2 was cognitively intact and required limited assist of one staff for all Activities of Daily Living (ADL's).</p> <p>R2's Care Plan, revision date 04/28/20, documented R2 was "I am sexually active or have been sexually active during my tenure in the facility." Interventions include: "Counsel resident concerning safe sex practices (e.g. sexually transmitted diseases...), issues of consensual sexual contact..., educate resident that condoms are available at the nurse's station and social services office and provide information about birth control and contraception." Also, it documented</p>	S9999		
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S9999	<p>Continued From page 5</p> <p>R2 was identified as being "at risk for abuse/neglect related to history of abuse and 11/25/20 alleged sexual relations between herself and an employee."</p> <p>On 11/01/19, the Abuse/Neglect Screening documented R2 was a high risk for the likelihood potential future problems/symptoms related mistreatment. On 11/25/20, the Abuse/Neglect Screening documented R2 was a high risk and under the comments section: "High risk of problems/symptom's related to mistreatment due to intellectual disabilities, Serious Mental Illness (SMI) and history of being abused in the past."</p> <p>On 12/08/20 at 9:30 AM, V1, Administrator stated R2 was alert and oriented and makes her needs known. V1 stated R2 had a history of sexual activity and not using safe sex precautions. V1 stated R2 had a history of sexually transmitted diseases. V1 stated R2 did not use safe sex practices with V4, Housekeeper. V1 stated that V4 was in violation of the standard of conduct expected by the facility.</p> <p>On 12/08/20 at 10:30 AM, V3, Regional Director of Operations stated R2 was alert and oriented and could make her needs known. V3 stated R2 was sexually active and had a history of having sex for money and contracted sexually transmitted diseases. V3 stated she did not believe R2 and V4 used any type of safe sex practices. V3 stated that V4 was in violation of the standard of conduct expected by the facility.</p> <p>On 12/08/20 at 12:50 PM, R2 stated she had an ongoing sexual relationship with V4, Housekeeper that included intercourse since March, 2020. R2 stated she kept the relationship a secret because she knew it would get V4 in</p>	S9999		

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S9999	<p>Continued From page 6</p> <p>trouble. R2 stated they had unprotected sex and knew she should have used condoms. R2 stated she told staff about the relationship only because she wanted to stop it and V4 wanted to continue to see her. She further stated she felt nervous about V4 returning to work and wanting to see her.</p> <p>On 12/09/20 at 9:45 AM, V19, R2's Guardian stated he believed R2 makes poor choices in regards to having sex and therefore must be monitored. V19 stated he became her guardian because she was having sexual encounters for money and because of those poor choices R2 contracted sexually transmitted diseases.</p> <p>The policy titled, "Compliance Program Employee Guide, dated 12/19/18" documented "III. Employee Conduct: Rules of Conduct: As members of the team responsible for providing quality care and services to our residents, the Facility expects that each employees' conduct and performance will conform with the highest standards of professionalism and ethical practice; the requirements of his or her job; published and common-sense health and safety rules; and applicable federal, state, and local laws, rules and regulations." It continues "5. Engaging in words or actions that violate the residents' legally protected rights. (Note: This includes, but is not limited to, threatening, intimidating, or abusing residents in any way - physically, mentally, verbally, sexually, etc.)."</p> <p>The policy titled, "Abuse Prevention Policy", dated 12/19/18 documented, "The abuse, neglect, or other mistreatment of residents in (facility), physically, mentally or emotionally, is unlawful and is prohibited." Also, under, "Abuse policy: It is the policy of (facility) that each resident will be</p>	S9999		

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S9999	Continued From page 7  free from 'abuse'. Abuse can include verbal, mental, sexual, or physical abuse, corporal punishment or involuntary seclusion. This prohibition applies to (facility) staff, other residents, staff, volunteers, families and friends. No abuse of any type will be tolerated, and residents and staff will be monitored for protection. (Facility) will strive to educate staff and other applicable individuals in techniques to protect all parties." (B)	S9999		