

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

PRINTED: 09/21/2015
FORM APPROVED
OMB NO. 0938-0391

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: ILL6009385	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____		(X3) DATE SURVEY COMPLETED C 08/13/2015
NAME OF PROVIDER OR SUPPLIER THORNTON HEIGHTS TERRACE			STREET ADDRESS, CITY, STATE, ZIP CODE 160 WEST 10TH STREET CHICAGO HEIGHTS, IL 60411		
(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	
F 000	INITIAL COMMENTS Incident Investigation of 7/31/15 IL79078 - 300.690 b)c) 300.695 a)3) b)3) c)1)2) 300.3240 d)f)	F 000			
F9999	FINAL OBSERVATIONS Statement of Licensure Violations Section 300.690 Incidents and Accidents b) The facility shall notify the Department of any serious incident or accident. For purposes of this Section, "serious" means any incident or accident that causes physical harm or injury to a resident. c) The facility shall, by fax or phone, notify the Regional Office within 24 hours after each reportable incident or accident. If a reportable incident or accident results in the death of a resident, the facility shall, after contacting local law enforcement pursuant to Section 300.695, notify the Regional Office by phone only. For the purposes of this Section, "notify the Regional Office by phone only" means talk with a Department representative who confirms over the phone that the requirement to notify the Regional Office by phone has been met. If the facility is unable to contact the Regional Office, it shall notify the Department's toll-free complaint registry hotline. The facility shall send a narrative summary of each reportable accident or incident to the Department within seven days after the	F9999			

Attachment A
Statement of Licensure Violations

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE

(X6) DATE

Any deficiency statement ending with an asterisk (*) denotes a deficiency which the institution may be excused from correcting providing it is determined that other safeguards provide sufficient protection to the patients. (See instructions.) Except for nursing homes, the findings stated above are disclosable 90 days following the date of survey whether or not a plan of correction is provided. For nursing homes, the above findings and plans of correction are disclosable 14 days following the date these documents are made available to the facility. If deficiencies are cited, an approved plan of correction is requisite to continued program participation.

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F9999	<p>Continued From page 1 occurrence.</p> <p>These Requirements Were Not Met As Evidenced By:</p> <p>Based on observation, interview and record review the facility failed to follow their abuse prevention policy and report an allegation of sexual assault for 2 of 5 residents (R1,R2) reviewed for abuse in the sample of 5.</p> <p>Findings include:</p> <p>On 8/10/15 at 11:30am, R1 walked from the room to the day room to speak with the surveyor. R1 stated that about a week ago, R2 forced R1 to let R2 perform oral sex. R1 did not want R2 to do that, " (R2) forced me to let (R2) do it to me. " R1 denied performing oral sex or any other sexual act on R2. R1 did not speak with the police about this incident.</p> <p>On 8/10/15 at v11:40am, R2 sat in the room. R2 was very slow to respond to questions asked. R2 stated R1 forced R2 to perform oral sex on R1. R1 promised R2 money, but R2 did not receive any money. R1 did not perform oral sex or any sexual act on R2. R2 did not speak with the police about this incident. R2 left the room and walked around the floor unescorted. R2 stated no one watched him after the incident, he remained in his own room in the facility, and was allowed to walk around the facility as usual.</p> <p>On 8/10/15 at 12:50pm, E2(Social Service Director) stated R1 informed her on 7/31/15 that R2 forced oral sex onto R1. E2 kept R1 with her and got additional information.. E2 attempted to fax the initial allegation to the Illinois Department</p>	F9999		

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F9999	<p>Continued From page 2 of Public Health (IDPH) on 7/31/15, but the fax line was busy. E2 did not want to leave it for a staff member to fax, so E2 faxed the initial allegation on 8/3/15, 3 days after the facility was aware of the allegation of sexual abuse.</p> <p>On 8/10/15 at 12:35pm, E1(Administrator) stated IDPH is notified immediately of any abuse allegation, including a sexual assault allegation.</p> <p>On 8/10/15 at 3pm, the local police department are in the facility to conduct an investigation regarding the sexual assault between R1 and R2.</p> <p>Preliminary 24-Hour Abuse Investigation Report (Undated) documents R1reported to E2 that R1 was forced to have oral sex with a " little white boy with tattoos " . The accused was identified as R2, and " it appears he entire incident was consensual " , further investigation will be conducted. The box is checked next to " The individual(s) alleged to have committed the incident have been removed from resident contact, and will remain so until a conclusion is reached concerning the allegation. " Fax Transmission Verification Report 7/31/15 at 5:41pm, 5:47pm, and 5:54pm all document the fax line to IDPH was busy. Fax Transmission on 8/3/15 at 10:56am was successful, 3 days after the facility was aware of the sexual abuse allegation. There are no additional fax transmissions in between the 2 dates.</p> <p>Abuse Prevention Program -External Reporting- Initial Reporting of Allegations - When an allegation of abuse, neglect, mistreatment or misappropriation of resident property has occurred, the resident ' s representative and IDPH regional office shall be informed</p>	F9999		

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F9999	Continued From page 3 immediately by telephone or fax. Treatment of Sexual Assault Survivors - Sexual assault is an act of nonconsensual sexual conduct or sexual penetration. The facility will notify IDPH and draft a descriptive summary of the alleged sexual assault. The facility shall, by fax or phone, notify the Regional Office within 24 hours after each reportable incident or accident. If the facility is unable to contact the Regional Office, it shall notify the department ' s toll-free complaint registry hotline. Section 300.695 Contacting Local Law Enforcement a) For the purpose of this Section, the following definitions shall apply: 3) Sexual abuse - sexual penetration, intentional sexual touching or fondling, or sexual exploitation (i.e., use of an individual for another person's sexual gratification, arousal, advantage, or profit). b) The facility shall immediately contact local law enforcement authorities (e.g., telephoning 911 where available) in the following situations: 3) Sexual abuse of a resident by a staff member, another resident, or a visitor; c) The facility shall develop and implement a policy concerning local law enforcement	F9999			

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F9999	<p>Continued From page 4 notification, including:</p> <ol style="list-style-type: none"> 1) Ensuring the safety of residents in situations requiring local law enforcement notification; 2) Contacting local law enforcement in situations involving physical abuse of a resident by another resident; <p>These Requirements Were Not Met As Evidenced By:</p> <p>Based on observation, interview and record review the facility failed to follow the abuse prevention policy and contact local law enforcement for an allegation of sexual assault for 2 of 5 residents (R1,R2) reviewed for abuse in the sample of 5.</p> <p>Findings include:</p> <p>On 8/10/15 at 11:30am, R1 walked from the room to the day room to speak with the surveyor. R1 stated that about a week ago, R2 forced R1 to let R2 perform oral sex. R1 did not want R2 to do that, " (R2) forced me to let (R2) do it to me. " R1 denied performing oral sex or any other sexual act on R2. R1 did not speak with the police about this incident.</p> <p>On 8/10/15 at v11:40am, R2 sat in the room. R2 was very slow to respond to questions asked. R2 stated R1 forced R2 to perform oral sex on R1. R1 promised R2 money, but R2 did not receive any money. R1 did not perform oral sex or any sexual act on R2. R2 did not speak with the police about this incident. R2 left the room and walked around the floor unescorted. R2 stated no</p>	F9999			

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F9999	<p>Continued From page 5</p> <p>one watched him after the incident, he remained in his own room in the facility, and was allowed to walk around the facility as usual.</p> <p>On 8/10/15 at 12:50pm, E2(Social Service Director) stated R1 informed her on 7/31/15 that R2 forced oral sex onto R1. E2 stated the police were not called because it wasn't "clear cut" if the oral sex was consensual or not.</p> <p>On 8/10/15 at 12:35pm, E1(Administrator) stated IDPH is to be notified immediately of any abuse allegation, including a sexual assault allegation.</p> <p>On 8/10/15 at 3pm, the local police department is in the facility to conduct an investigation regarding the sexual assault allegation between R1 and R2 on 7/31/15. Z1(Police Officer) stated this case will be referred to the detectives for follow up if needed.Z2(Police Officer) stated R1 alleged the oral sex was forced by R2, R2 alleged the oral sex was consensual.</p> <p>Preliminary 24-Hour Abuse Investigation Report (Undated) documents R1reported to E2 that R1 was forced to have oral sex with a " little white boy with tattoos ". The accused was identified as R2, and " it appears he entire incident was consensual ", further investigation will be conducted. There is no indication that the facility has notified the police.</p> <p>Abuse Prevention Program -External Reporting-Informing Local Law Enforcement - The facility shall also immediately contact local law enforcement authorities in the following situations: Sexual abuse of a resident by a staff member, another resident, or visitor.</p>	F9999		

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F9999	<p>Continued From page 6</p> <p>Treatment of Sexual Assault Survivors - Sexual assault is an act of nonconsensual sexual conduct or sexual penetration. The facility shall immediately contact local law enforcement authorities in the following situations: for sexual abuse - sexual penetration, intentional sexual touching or fondling, or sexual exploitation; or for sexual abuse of a resident by a staff member, another resident, or a visitor.</p> <p>Section 300.3240 Abuse and Neglect</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>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 Requirements Were Not Met As Evidenced By:</p> <p>Based on observation, interview and record review the facility failed to follow their abuse prevention policy and report an allegation of sexual assault to the department and failed to</p>	F9999		

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F9999	<p>Continued From page 7</p> <p>remove the accused from contact with other residents during the investigation for 2 of 5 residents (R1,R2) reviewed for abuse in the sample of 5.</p> <p>Findings include:</p> <p>On 8/10/15 at 11:30am, R1 walked from the room to the day room to speak with the surveyor. R1 stated that about a week ago, R2 forced R1 to let R2 perform oral sex. R1 did not want R2 to do that, " (R2) forced me to let (R2) do it to me. " R1 denied performing oral sex or any other sexual act on R2. R1 did not speak with the police about this incident.</p> <p>On 8/10/15 at v11:40am, R2 sat in the room. R2 was very slow to respond to questions asked. R2 stated R1 forced R2 to perform oral sex on R1. R1 promised R2 money, but R2 did not receive any money. R1 did not perform oral sex or any sexual act on R2. R2 did not speak with the police about this incident. R2 left the room and walked around the floor unescorted. R2 stated no one watched him after the incident, he remained in his own room in the facility, and was allowed to walk around the facility as usual.</p> <p>On 8/10/15 at 11:45am, E3(Social Service) stated R1 is on her caseload. E3 stated R1 has been counseled to not proposition women for sex. R1 did not offer details of the sexual encounter with R2, nor did E3 ask for details. R1 told E3 that R2 came to him for oral sex. R1 was placed in the behavioral unit for 1-2 days to be monitored. R2 did not go to the unit, R2 remained in the room.</p> <p>On 8/10/15 at 12:50pm, E2(Social Service Director) stated R1 informed her on 7/31/15 that</p>	F9999			

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F9999	<p>Continued From page 8</p> <p>R2 forced oral sex onto R1. E2 kept R1 with her and got additional information. R2 remained in the room and E2 instructed staff to " keep an eye on him " since R1 was already in the behavioral unit. R2 told E2 that the oral sex with R1 was consensual. During the investigation, nothing additional was done to monitor R2, the alleged perpetrator of the sexual assault. E2 stated the police were not called because it wasn ' t " clear cut " if the oral sex was consensual or not. E2 attempted to fax the initial allegation to the Illinois Department of Public Health (IDPH) on 7/31/15, but the fax line was busy. E2 did not want to leave it for a staff member to fax, so E2 faxed the initial allegation on 8/3/15, 3 days after the facility was aware of the allegation of sexual abuse.</p> <p>On 8/10/15 at 12:35pm, E1(Administrator) stated IDPH is notified immediately of any abuse allegation, including a sexual assault allegation. During the investigation, the accused resident is monitored to keep the other residents safe. The accused resident may go to the hospital or to the behavior unit in the facility. E1 stated R1 went to the behavior unit, but R2 remained in the regular room on the 2nd floor during the investigation.</p> <p>On 8/10/15 at 3pm, the local police department are in the facility to conduct an investigation.</p> <p>Preliminary 24-Hour Abuse Investigation Report (Undated) documents R1reported to E2 that R1 was forced to have oral sex with a " little white boy with tattoos " . The accused was identified as R2, and " it appears he entire incident was consensual " , further investigation will be conducted. The box is checked next to " The individual(s) alleged to have committed the incident have been removed from resident</p>	F9999			

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F9999	<p>Continued From page 9</p> <p>contact, and will remain so until a conclusion is reached concerning the allegation. " Fax Transmission Verification Report 7/31/15 at 5:41pm, 5:47pm, and 5:54pm all document the fax line to IDPH was busy. Fax Transmission on 8/3/15 at 10:56am was successful, 3 days after the facility was aware of the sexual abuse allegation. There are no additional fax transmissions in between the 2 dates.</p> <p>Abuse Prevention Program - Residents who allegedly abused another resident will be removed condition shall be immediately evaluated to determine the most suitable therapy, care approaches, and placement, considering his or her safety, as well as the safety of other residents and employees of the facility. External Reporting- Initial Reporting of Allegations - When an allegation of abuse, neglect, mistreatment or misappropriation of resident property has occurred, the resident ' s representative and IDPH regional office shall be informed immediately by telephone or fax. Informing Local Law Enforcement - The facility shall also immediately contact local law enforcement authorities in the following situations: Sexual abuse of a resident by a staff member, another resident, or visitor.</p> <p>Treatment of Sexual Assault Survivors - Sexual assault is an act of nonconsensual sexual conduct or sexual penetration. The facility shall immediately contact local law enforcement authorities in the following situations: for sexual abuse - sexual penetration, intentional sexual touching or fondling, or sexual exploitation: or for sexual abuse of a resident by a staff member, another resident, or a visitor. The facility will notify IDPH and draft a descriptive summary of the</p>	F9999			

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F9999	Continued From page 10 alleged sexual assault. The facility shall, by fax or phone, notify the Regional Office within 24 hours after each reportable incident or accident. If the facility is unable to contact the Regional Office, it shall notify the department ' s toll-free complaint registry hotline. (B)	F9999		