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	IL6007298	A. BUILDING: _____ B. WING _____	C 06/30/2022

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S 000	Initial Comments Incident Report Investigation of 6/15/22/IL148299	S 000		
S9999	Final Observations Statement of Licensure Violations: 300.610a) 300.1210b) 300.3240e) Section 300.610 Resident Care Policies 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. Section 300.1210 General Requirements for Nursing and Personal Care 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 resident to meet the total nursing and personal care needs of the resident.	S9999	Attachment A Statement of Licensure Violations	

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S9999	Continued From page 1 Section 300.3240 Abuse and Neglect e) 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) These requirements are not met as evidenced by: Based on interview and record review the facility failed to prevent sexual abuse for two of three residents (R4 and R5) reviewed for abuse in the sample of three. This failure resulted in two cognitively impaired (non-consenting) residents with the diagnoses of Brain Injuries (R4 and R5) being found in R4 and R5's room with door closed, and R4 lying in his bed with his legs dangling off with a full erection and R5 performing oral sex on R4. The facility's Abuse Prevention Program Facility Policy undated, documents, "This facility affirms the right of our residents to be free from abuse, neglect, exploitation, misappropriation of resident property, corporal punishment, and involuntary seclusion. This facility therefore prohibits mistreatment, neglect, or abuse of its residents, and has attempted to establish a resident sensitive and resident secure environment. The purpose of this policy is to assure that the facility is doing all that is within its control to prevent occurrences of mistreatment, neglect, or abuse of our residents. Abuse means any physical or	S9999		

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S9999	Continued From page 2 mental injury or sexual assault inflicted upon a resident other than by accidental means. Sexual Abuse is non-consensual sexual contact of any type with a resident. Sexual abuse includes, but is not limited to, sexual harassment, sexual coercion, or sexual assault." According to R4's current POS (Physician Order Sheet), R4 has diagnoses of Moderate Hypoxic Ischemic Encephalopathy, Depression, Pseudobulbar Affect, and Hemiplegia. R4's MDS (Minimum Data Set) Assessment dated, 6/20/22, documents R4 has a BIMS (Brief Interview of Mental Status) of 06 (cognitively impaired) and is completely dependent on staff for ADL's (Activities of Daily Living). R4's current Impaired Cognitive Function care plan revised 10/20/21, documents, "(R4) may need to be taken to a quiet area to assess confusion and have message related. (R4) understands consistent, simple, directive sentences." R4's Limited Physical Mobility plan of care revised on 1/12/22, documents, "Limited Physical mobility related to traumatic brain injury and is completely dependent on staff". Interventions include: " Encourage (R4) to do ROM/Range of Motion with staff giving verbal cues, assistance with ROM as needed." R4's Behavior plan of care revised on 10/20/21, documents, "May be resistive to care, refuse medications, anxious at times, sexually inappropriate at times." This same plan of care does not specify the inappropriate sexual behavior or any interventions addressing the sexual behavior.	S9999		

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S9999	Continued From page 3 According to R5's current POS, R5 has diagnoses of Intracranial injury and was admitted to the facility on 6/15/22 and discharged home on 6/16/22. R5's Interim plan of care dated 6/15/22, documents R5 is independent ambulating with a walker and did display inappropriate sexual behavior on admission. The facility's IDPH (Illinois Department of Public Health) Final Notification Investigation Report for incident of 6/15/22, signed by V1(Administrator), documents, "Name of Resident Abused or Neglected: (R4). Diagnosis and Mental Status: TBI (Traumatic Brain Injury), Anoxic Brain Injury (R4) oriented times one. The Original Allegation: On third shift in resident (R4's) room, roommate (R5) was potentially sexually inappropriate with (R4). CNA/Certified Nursing Assistant (V11) walked in on incident during facility round. No injury with resident (R4). During the process of investigation, medical record review and interview of witnesses the following facts were determined: No history of sexually inappropriate behavior with new admit (R5). (R4) has a history of sexually inappropriate behavior including exposing himself and inappropriate touching with staff. Based on the Known Facts, the following conclusions have been determined about the original allegation: Residents (R4 and R5) engaged in a sexual act with (R5) performing oral sex on (R4), no evidence to confirm abuse but unable to assess consent so residents' (R4 and R5) were interrupted and separated. The following Actions taken based on the facts and conclusion of the investigation: (R5) moved to another room for the night, his family was not comfortable and discharged (R5) back home."	S9999		

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S9999	Continued From page 4 A written investigation report dated 6/16/22 and signed by V5 (Social Service Director) documents, "I had a one-on-one interview with (R5) regarding the incident that happened with (R5's) roommate (R4). (R5) stated '(I) was just in my room and my roommate pulled his sheet down and started rubbing himself until he was 'hard' looking at me, so (I) just did it and (R4) liked it." On 6/24/22, at 11:55 am., V1 (Administrator) stated, "I did an investigation regarding (R4) and (R5). (R4) has sexual behaviors of exposing himself at times. (R4) has exposed himself to me. I did not receive any information on or before admission about any sexual behaviors by (R5)" On 6/25/22 at 6:30 pm., V7 (CNA/Certified Nursing Assistant) stated, "(R4) cannot speak but does shake his head yes and no and does understand what we are asking. (R4) sometimes won't respond to certain staff or people but will if he wants to. (R4) really likes V11/CNA and will always respond to her." On 6/24/22 at 6:45 pm., V11 stated she has taken care of R4 for years. V11 stated R4 will communicate with her by shaking his head yes or no and does understand cognitively. V11 stated, "(R5) was admitted on 6/15/22. (R5) was put in (R4's) room as roommate. I was doing rounds that night and knocked on (R4) and (R5's) door and then opened it and walked in. (R4) was lying in the bed with his legs dangling off the bed with a full erection. (R5) was bent over performing oral sex on (R4). (R4's) eyes were big and he looked scared and didn't know what to do. I said what are you doing and (R5) stopped at this time and crawled back to bed. I asked (R4) if he would	S9999		

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S9999	Continued From page 5	S9999		

have wanted that to happen and he shook his head no. I separated the two and got the nurse (V10/RN/Registered Nurse). We moved (R5) to another room for the night. (R4) has never had any sexual activity with any other males or has tried to. (R4) would not be able to stop (R5) if he wanted to, (R4) is totally dependent on staff. V11 also stated (R5) was somewhat confused and was independent with ADL's.

On 6/24/22 at 6:38 pm., R4 was sitting in his wheelchair and did not have full ROM with his arms and legs and was unable to move around freely per self. R4 responded to questions asked by shaking his head yes and no. R4 shook his head correctly to simple questions. When asked if anyone has done anything to him, he did not like, R4 responded by shaking his head yes. When asked if someone performed oral sex on him, (R4) responded shaking his head yes. (R4) shook his head no when asked if he wanted the oral sex.

On 6/25/22 at 10:22 am., V12 (R5's mother) stated, "R5 has been in a group home from the time he was 24 and is now 53. (R5) has had behaviors of flirting with women and sometimes grabbing the nurses but I have never got any reports of sexual misconduct from (R5) towards any residents and certainly not any male residents. (R5) was in a group home with all men and it has never been reported to me any sexual contact with any of them. (I) am shocked to hear that this even happened especially with another male, as he would have never done this prior to his brain injury. (R5) has always talked about liking women and never any men. (I) am upset this even happened. (R5) is now living back at home with me. V12 also stated (R5) has a brain injury and does not remember things of short

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S9999	Continued From page 6 term and would not remember if that happened." On 6/25/22 at 10:28 am., R5 was oriented to place but not date or time. When asked if R5 remembered staying at a local nursing home for one night approximately one week ago, R5 responded no. R5 stated he lived at (the group home) and now lives at home. R5 stated he did not have oral sex with a male and would never do that. R5 stated "I like women not men." On 6/26/22 at 1:58 pm., V13 (LPN/Licensed Practical Nurse) stated, "(R4) is not capable of protecting himself. No way (R4) could have stopped (R5) from the sexual incident." On 6/27/22, at 2:00 pm., V2 (DON/Director of Nursing) stated, "(R4) has inappropriate sexual behaviors of pulling it out "penis" wherever he is sitting rather it be in the dining room, television room, or his own room." On 6/27/22 at 2:05 pm., V14 (ADON/Assistant Director of Nursing) stated, "(R5) was alert but had very short memory. (R5) upon admission kept grabbing at me and I would redirect his and he would then do it again. Then all the sudden (R5) would say 'my name is (R5) what's your name.' (R5) didn't know what he answered a few minutes after he was asked questions." On 6/27/22 at 2:15 pm., V15 (Care Plan Coordinator) stated, "When (R5) was admitted (R5) kept groping at the CNAs constantly. (R5) would have to be directed constantly, he was alert but confused. V15 also stated (V4) was care planned for sexual inappropriate behaviors before I was here, I have only known him to pull down his covers at times. He really can't do anything but slide down in his chair. Knowing (R4) I don't	S9999		

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S9999	Continued From page 7 think he would have liked (R5) having oral sex on him. (B)	S9999		