

Illinois Department of Public Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: IL6008023	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED C 11/16/2022
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NAME OF PROVIDER OR SUPPLIER RIVERSIDE FOUNDATION	STREET ADDRESS, CITY, STATE, ZIP CODE 14588 WEST HIGHWAY 22 LINCOLNSHIRE, IL 60069
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Z 000	COMMENTS Complaint Investigation 2218696/IL152823	Z 000		
Z9999	<p>FINDINGS</p> <p>Statement of Licensure Violations:</p> <p>350.620 a) 350.3240 a)</p> <p>Section 350.620 Resident Care Policies a) The facility shall have written policies and procedures governing all services provided by the facility which shall be formulated with the involvement of the administrator. The policies shall be available to the staff, residents and the public. These written policies shall be followed in operating the facility and shall be reviewed at least annually.</p> <p>Section 350.3240 Abuse and Neglect a) An owner, licensee, administrator, employee or agent of a facility shall not abuse or neglect a resident. It is the duty of any facility employee or agent who becomes aware of such abuse or neglect to report it as provided in the Abused and Neglected Long Term Care Facility Residents Reporting Act.</p> <p>These regulations are not met as evidenced by:</p> <p>Based on interview and record review, the facility failed to protect 1 of 1 client in the sample (R1) from sexual abuse when an employee sexually abused R1 on 10/26/2022.</p> <p>Findings include:</p>	Z9999	<p style="text-align: center;">Attachment A Statement of Licensure Violations</p>	

Illinois Department of Public Health LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE	TITLE	(X6) DATE
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Z9999	<p>Continued From page 1</p> <p>On 10/26/2022, the facility notified IDPH (Illinois Department of Public Health) of the following: On October 26, 2022 at 8:23pm, E6 (Program Assistant) was observed by E3 (Shift Supervisor / Program Assistant) in R1's client room by himself. E6 stated he was in her room to change her, where he knows that is against (facility) rules. E3 stated E6 had his pants down by his waist. Administrator on call was reached and instructed staff to send R1 out to the hospital and make police report. Facility will investigate further.</p> <p>R1's medical and program records were reviewed. R1 is a 34 year old female whose diagnoses include Profound Intellectual Disability, Autism, Seizure Disorder and Elective Hysterectomy. R1's 3/15/2022 IPP (Individual Program Plan) identifies R1 as non-verbal; R1 is ambulatory. R1's 3/11/2019 Annual Sexual Screening notes R1 is very vulnerable and will not be able to stop someone if they made sexual advances, neither would she be able to report an incident of unwanted sexual nature.</p> <p>On 10/28/2022 at 3:18pm, E1 (Administrator) and E2 (Director of Quality Assurance) were interviewed. E1 stated the facility has an allegation R1 was sexually abused on 10/26/2022. E1 stated on 10/26/2022 E3 walked into (R1's bedroom) and found a male staff (E6) with his pants down around his hip, and R1 had her pants down to her hip, and her adult incontinence brief was also pulled down. E3 asked E6 what he was doing, and E6 pulled up his pants. E3 told E6 to leave R1's bedroom and go to the staff meeting room. E1 stated E6 went to the dining room, and was in</p>	Z9999		

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Z9999	<p>Continued From page 2</p> <p>the dining room with E7 (Program Assistant). E1 identified E7 as E6's brother. E1 stated the facility has a Policy that male staff can not go into female resident bedrooms alone. E1 explained E6 was also in the hallway, based on review of video camera footage, and was observed pacing. E1 stated E5 (Shift Supervisor / Program Assistant) was also involved in assisting E3 during this time. E1 stated she was notified of the allegation of sexual abuse on 10/26/2022 at 8:31pm. E1 stated E6 left the facility just after 8:30pm. E1 stated she was notified by E5 of the allegation of sexual abuse of R1, and she told E5 to contact the police via 911. E1 stated E6 left the facility with his brother (E7) and his girlfriend (E8 - Program Assistant).</p> <p>E2 stated the police picked up E6 on 10/27/2022 at 1:30am. E2 stated E6 was arrested and charged with attempted sexual assault and aggravated assault. E2 stated R1 went to the hospital, via 911 call. E2 stated R1's parents / guardians met R1 at the hospital. E2 stated evidence was taken by the police and a rape kit was completed.</p> <p>E2 stated she reviewed video camera footage, and E6 was observed entering R1's bedroom on 10/26/2022 the first time for 3 seconds, then a 2nd time for 1 1/2 minutes, then 4 minutes, at which time E3 enters R1's bedroom. E2 stated she spoke to E3, and E3 reported when she entered R1's bedroom, R1 had her hands on her roommates bed and E6 was behind her. R1 had her pants and incontinence brief pulled down, and E6 had his pants down to his hip. E2 stated E6 pulled up his pants as did R1. E2 stated E3 reported R1 immediately put a blanket</p>	Z9999		

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Z9999	<p>Continued From page 3</p> <p>over her head and her eyes were glassy. E2 stated when the paramedics arrived (male paramedics) R1 was upset and scared by them.</p> <p>E3 (Shift Supervisor / Program Assistant) was interviewed on 10/28/2022 at 3:56pm. E3 stated she has been employed at the facility for 21 years and usually works the 2nd shift (2:30pm - 10:30pm). E3 stated on 10/26/2022, she went to look for R1 because she is usually in the (large activity room) with some of her peers, however, she was not there. E3 stated around 8:21pm, she went to R1's bedroom to look for her to assist her with her shower. E3 stated when she entered R1's bedroom, she saw E6 in R1's bedroom. E3 stated E6 was bent over R1, from behind, and his pants were down below his waist. E3 stated R1's pants and incontinence brief were down past her hip. E3 said she observed R1 bent over with her hands on her roommates bed and E6 was behind her - humping her. E3 stated E6 immediately stopped, pulled up his pants, his face was colored, and E6 said, "I'm sorry, I don't know what happened to me." E3 stated she then opened R1's bedroom door and saw E5 (Shift Supervisor / Program Assistant) and motioned for her to come to R1's bedroom. E5 asked what happened and E6 said - "I touched, I'm sorry." E3 stated E6 kept repeating "I touched, I'm sorry." E3 stated E4 (Shift Supervisor / Program Assistant) was made aware and he took E6 to the staff break room. E3 stated she stayed with R1. E3 stated R1 looked scared, she put a blanket tightly on and over her head. E3 stated E5 called the Administrator and the</p>	Z9999		

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Z9999	<p>Continued From page 4</p> <p>police. E3 stated when the paramedics arrived (4 or 5 male paramedics) R1 was scared of them because they were all males. E3 stated R1 was then transported to the hospital and her parents met her there. E3 was asked why she was initially looking for R1. E3 stated because it was unusual for R1 to not be in the TV room with her peers. E3 stated, "So I went to her bedroom to see if she was ready for her shower." E3 again stated, "When I opened the door I saw him humping her from behind." E3 stated, "I could not sleep that night after I saw this; I was shaking." E3 then stated, "Where is the humanity?" E3 stated I asked him what are you doing? E6 said R1 was wet (incontinent) and he was going to change her. E3 stated, "I told (E6) only female staff are allowed to change female clients - not male staff." E3 stated the facility has a policy that male staff are not allowed to provide personal care to female clients.</p> <p>E4 (Shift Supervisor / Program Assistant) was interviewed on 10/28/2022 at 4:18pm. E4 stated on 10/26/2022, he was in the hallway when he noticed E6 come out of a client's bedroom. E4 stated he was not sure whose bedroom E6 was coming out of. E4 stated he noticed E6 rubbing his head. "He seemed worried and then I talked to him." E4 stated he asked E6 what happened and E6 said, "I touched her." E4 stated he asked E6 who did he touch, and he said he touched R1. E4 stated he told E6, "That is sexual abuse." E6 responded that he knows. E4 stated he took E6 to the staff room and told</p>	Z9999		

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Z9999	<p>Continued From page 5</p> <p>him to wait there and calm down. E4 stated E5 called the Administrator and he called E12 (Training Director). E12 told me to get E6 out of the facility. E4 stated E6 left the facility with his brother (E7) and his girlfriend (E8). E4 stated before E6 left the facility, he took his keys (facility keys) from him.</p> <p>R1 was observed at the facility on 11/3/2022 at 11:34am. R1 was eating lunch and was observed to eat independently.</p> <p>E2 (Director of Quality Assurance) conducted an investigation of the allegation that E6 sexually abused R1 on 10/26/2022. The investigation includes the following: On 10/26/22 at 8:23pm, E6 was observed by E3 in R1's bedroom by himself. E6 stated he was in R1's room to change her, when he know that is against (facility) rules. E3 stated E6 had his pants down by his waist. Administrator on call was reached and instructed staff to send R1 to the hospital and make a police report. The Administrator, Guardian, and IDPH were notified on 10/26/2022. The following information was gathered: R1 was transported to the emergency room, via ambulance on 10/26/2022. R1 was discharged to her parent / guardian on 10/27/2022 around 3am. R1 remained at home with parents and will return on 10/29/2022. The local police arrived to the facility on 10/26/2022 between 8:30pm / 9pm, and collected evidence and took some statements. E6 is being charged with Attempted Sexual Assault and Aggravated Battery at this time. Per R1's annual staffing review, R1 is unable to consent to intimate sexual activity. R1 is</p>	Z9999		

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Z9999	<p>Continued From page 6</p> <p>non-verbal and sometimes will use physical gestures by pulling or pushing away if she doesn't want to do something.</p> <p>R1's 3/11/2019 Annual Sexual Screening notes R1 can not say "No" or push away unwanted sexual advances.</p> <p>E2 interviewed E3, per facility investigation, on 10/27/2022. E3 provided the following information: E3 stated she went to R1's bedroom to see if she wanted to take a shower. E3 stated she knocked on R1's bedroom door and then opened the door. E3 stated she observed R1 on her roommates bed with her face toward the wall, on her knees, with her butt in the air. E3 stated R1's pants and (incontinence brief) were pulled down by her hip / thigh area. E3 stated E6 had his pants pulled down around his hip / thigh area. E3 stated she did see E6 humping R1 from behind her butt. E3 stated E6's hands were on R2's mattress on each side of R1's knees. E3 stated E6 was shaking, face was red in color and he appeared nervous. E6 kept repeating, "I'm sorry, I'm sorry, I admit, I touched her." E3 stated R1 did appear to be afraid.</p> <p>E2 interviewed E5, per facility investigation, on 10/27/2022. E5 provided the following information: E5 stated E3 called her down to R1's bedroom by waving her hand and motioning for her. E5 stated E6 said, "I touched (R1). I fu**ing touched (R1), I am going to be fired, I am going to lose my job." E5 stated she observed R1 sitting on her bed with her blankets over her head. E5 stated she slightly pulled the blanket down and saw that R1's eyes looked glossy, different than usual.</p>	Z9999		

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Z9999	<p>Continued From page 7</p> <p>E5 stated she notified E1 (Administrator) who told her to call the police and paramedics via 911.</p> <p>E2 documented the following was observed per the facility video camera footage: On 10/26/2022 at 20:17:19pm (8:17pm), E6 approached R1's bedroom door. On 10/26/2022 at 20:17:21pm (8:17pm), E6 entered R1's bedroom. On 10/26/2022 at 20:21:44pm (8:21pm), E3 enters R1's bedroom and partially steps out but held the door open. E6 is observed stepping out of R1's bedroom with E3. At 20:21:56pm (8:21pm), E6's pants were observed to be unfastened while in the hallway. E6 can be seen fastening his pants while walking down the hallway with E3. E6 is observed leaving the facility with E7 at 20:38:30pm (8:38pm).</p> <p>E2 documented in the facility's investigation - "The conclusion to this investigation is founded for sexual abuse to have occurred toward (R1) on October 26, 2022."</p> <p>The facility's Abuse and Neglect Policy, dated 1/26/2016 was reviewed and includes the following: "Policy: This facility affirms the right of our residents to be free from abuse, neglect 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. Purpose: 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</p>	Z9999		

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Z9999	<p>Continued From page 8</p> <p>or abuse of our residents. ..."</p> <p>Definitions: ...</p> <p>Sexual Abuse: Any sexual behavior, sexual contact or intimate physical contact between an employee and an individual, including an employee's coercion or encouragement of an individual to engage in sexual activity that results in sexual contact, intimate physical contact, sexual behavior or intimate physical behavior. Examples include touching of an individual's genitals, buttocks or breasts, or exposing one's self. ...</p> <p>(A)</p>	Z9999		