

Illinois Department of Public Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: IL6005607	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____	(X3) DATE SURVEY COMPLETED C 05/24/2023
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NAME OF PROVIDER OR SUPPLIER LUTHERAN HOME FOR THE AGED	STREET ADDRESS, CITY, STATE, ZIP CODE 800 WEST OAKTON STREET ARLINGTON HTS, IL 60004
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S 000	Initial Comments Investigation of Facility Reported Incident of 5/20/23/IL160131 Complaint Investigation 2314242/IL160133	S 000		
S9999	Final Observations Statement of Licensure Violations 300.610a) 300.1210b) 300.3240a) 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	S9999	Attachment A Statement of Licensure Violations	

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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>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.</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 neglect a resident. (Section 2-107 of the Act)</p> <p>These Requirements were Not Met as evidenced by:</p> <p>Based on interview and record review, the facility failed to ensure a demented resident was free from sexual abuse by a staff member for 1 of 4 residents (R1) reviewed for sexual abuse in the sample of 17. This failure resulted in R1 being sexually assaulted.</p> <p>The findings include:</p> <p>R1's electronic medical record accessed on 5/23/23 showed R1 is an 88 y/o female admitted to the facility on 5/18/23 with diagnoses that include severe dementia, fracture of left femur and respiratory failure. R1's facility admission assessment dated 5/20/23 show R1 has severe cognitive impairment.</p> <p>R1's Facility Reported Incident (FRI) dated 5/20/23 with Final report dated 5/22/23 show, "On 5/20/23 at approximately 1PM, the CNA heard the resident yelling and entered the room. Upon</p>	S9999		

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S9999	<p>Continued From page 2</p> <p>entering the room, the CNA observed a male housekeeper with his penis pressed against the resident's mouth and his hand on her breast while she was laying in her bed. The housekeeper was startled by the interruption and stopped his actions, zipped up his pants and began pleading with the CNA not to report him. CNA confronted the housekeeper when she realized what was happening and started recording the interaction on her phone; she told him what he was doing was wrong and that she must report him. Conclusion: Investigation concluded that housekeeper engaged in a nonconsensual sexual act toward resident This conclusion is based on CNA witnessing the act, housekeeper reaction, and pleading not to be reported.</p> <p>R1's progress notes dated 5/20/23 by V3 (License Practical Nurse-LPN) shows, " About 13:10pm, I walked down the hallway because I heard the CNA shouting, upon entering R1's room I saw the housekeeper begging the CNA not to report, she reported she saw the housekeeping forcing his penis into the resident mouth and touching her left breast. The CNA showed me what she recorded; I told her to write an incident report which I took to the supervisor."</p> <p>On 5/23/23 at 10:53 AM, V7 (Certified Nursing Assistant-CNA) said she was R1's CNA last Saturday, 5/20/23. At around 1PM, V7 (CNA) said she was walking by R1's room when she heard R1 yelling for help. R1's door was opened. When she entered R1's room, she observed V8 (Housekeeper-Hskp) standing by R1. V7 (CNA) said she went to the opposite side of R1's bed and clearly saw V8 (Hskp) forcing his penis into R1's mouth and was touching R1's exposed breast. V7 said she screamed at V8 and told him to leave R1's room at once then turned her phone</p>	S9999			

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S9999	<p>Continued From page 3</p> <p>on video to record what was happening. V7 said she was able to record V8 putting his penis back into his pants. V8 then pleaded to V7 not to report him, he was afraid losing his job. V8 said what he did was wrong, it was a mistake and that he won't do it again. At this time, the Nurse (V3-LPN) entered R1's room and asked what was going on. V7 said V8 was forcing his penis into R1's mouth and touching her exposed breast. V3 (LPN) told V7 to put what she witnessed in writing, then told V8 to leave R1's room now. V8 again begged that he is not reported. V7 on her way to the nurse's station to write her statement, V8 followed and repeatedly begged again not to be reported. V7 said she told V8 he will be reported, V8 then disappeared. V7 said 30-45 minutes after the incident happened, V8 was again in the resident's unit and begged V7 to not report him, he would be losing his job. V7 informed V8 that he had been reported and there was nothing to discuss further. V7 stated she did not know where V8 was during the 30-45 minutes he was unaccounted for in the building.</p> <p>On 5/23/23 at 10: 05 PM, V3 (LPN) said on 5/20/23, she was in the nurse's station when she heard voices talking loudly. V3 said she walked towards the hallway and found V7 (CNA) confronting V8 (Housekeeper) in R1's room. V7 was very angry and said, "this man, (pointed to V8) was forcing his penis in R1's mouth and he was also touching R1's breast!" Then showed the recorded video. V3 said she told V7 to give a written statement. V3 ordered V8 to leave R1's room, instead V8 said he was sorry of what he did, and it was wrong. V8 pleaded to not report him. V3 said she told V8 again to get out of the room and that he will be reported. V3 said she was so upset at the same time heartbroken of R1 being sexually abused. V3 said she assessed R1</p>	S9999		
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S9999	<p>Continued From page 4</p> <p>who was in bed, her eyes were wide open with her oxygen via nasal cannula. V3 asked R1 "are you ok, did anyone put anything in your mouth?" R1 responded, "I don't know." V3 said everything with R1 was either "I don't know" or "no " due to dementia, R1 is cognitively impaired. V3 said after completing R1's body check, she went to find the Nurse Supervisor. V3 said this was clearly sexual abuse.</p> <p>On 5/23/23 at 12:05 AM, V4 (Nurse House Supervisor-RN) said on 5/20/23 at around 2PM, V3 (LPN) handed her V7's written statement. V4 (RN) said after reading the statement stating V8 (Housekeeper) forced his penis into R1's mouth and touching R1's breast, she immediately notified V5 (Nurse Unit Manager). V4 (RN) said she did not know where V8 was and did not look for him. (An hour had gone by and V8's whereabouts were unknown.) V4 said she proceeded to R1's room to check R1's wellbeing after the sexual assault.</p> <p>On 5/24/23 at 9:13 AM, V5 (RN Unit Manager) said on 5/20/23 at around 2PM, he was in the facility and received a call from V4 (RN Supervisor) informing him of what happened to R1 being sexually abused, a housekeeper forcing his penis into R1's mouth and grabbing R1's breast. V5 said he called V1 (Administrator-Abuse Coordinator) to report the sexual abuse. V5 said he also went to security to report that no one knew where V8 was. V5 said, later he was told that V8 punched out at 2:55 PM on 5/20/23. (An hour and 55 minutes after the incident.)</p> <p>On 5/23/23 at 8:52 AM, V1 (Administrator) said on 5/20/23 at around 2:20 PM she received a call from V5 (RN Unit Manager) regarding V8 sexually abusing R1. V1 said she instructed V5 to call the</p>	S9999		
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S9999	<p>Continued From page 5</p> <p>police. V1 said on her way to the facility, she called R1's daughter to inform her of the incident. V1 said Police were already at the facility when she arrived. V1 said per family's request, R1 was transported to the hospital at around 3:30 PM. V1 said during all this time, no one knew where the perpetrator (V8) was. Video surveillance show V8 punched out at 2:55pm and used the back stairwell towards the Assisted Living exit. V1 said her investigation concluded that sexual abuse was substantiated. V1 said the Police informed her on 5/20/23 at around 5PM that V8, the perpetrator, was now in custody.</p> <p>R1's Hospital Records dated 5/20/23 timed at 3:58 PM show, an 88-year-old female with advanced dementia alert and oriented x1 came from a local nursing home for evaluation of sexual assault. Per EMS (Emergency Medical Services), a male Environmental Services worker touched patient's chest and placed his penis in patient's mouth. Patient does not recall the event. Patient's POA gave verbal permission for sexual assault kit and to treat for potential sexually transmitted disease. Adult protective services have been notified</p> <p>The facility Policy on Abuse and Neglect effective 5/21/23 show, Policy Statement. The resident has the right to be free from abuse, neglect, misappropriation of resident property and exploitation. This include but not limited to freedom from corporal punishment, involuntary seclusion and any physical or chemical restraint not required to treat the resident's symptoms. Definitions: Abuse: the willful infliction of injury unreasonable confinement intimidation or punishment resulting in physical harm, pain, or mental anguish. Abuse also includes deprivation by an individual, including caretaker of goods or</p>	S9999		

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S9999	<p>Continued From page 6</p> <p>services that are necessary to attain or maintain physical, mental, and psychosocial well-being. Sexual abuse- is non-consensual sexual contact of any type with a resident, including but not limited, assault, rape, or sexual harassment. Examples are: exhibitionism by the service provider, forcing the individual receiving services to view pornographic material, intimate touching of the individual receiving services by the service provider during bathing, molesting the individual receiving services. -Criminal Sexual Abuse-serious bodily injury includes sexual intercourse with a resident by force or incapacitation or through threats of harm to the resident. Serious bodily injury also includes sexual intercourse with a resident who is incapable of declining to participate in the sexual act or lacks the ability to understand the nature of the sexual act.</p> <p>(A)</p>	S9999		