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S9999	Final Observations Statement of Licensure Violations: 300.610a) 300.1210a) 300.1210b) 300.1210d)3) 300.3210t) 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 a) Comprehensive Resident Care Plan. A facility, with the participation of the resident and the resident's guardian or representative, as applicable, must develop and implement a comprehensive care plan for each resident that includes measurable objectives and timetables to	S9999		

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meet the resident's medical, nursing, and mental and psychosocial needs that are identified in the resident's comprehensive assessment, which allow the resident to attain or maintain the highest practicable level of independent functioning, and provide for discharge planning to the least restrictive setting based on the resident's care needs. The assessment shall be developed with the active participation of the resident and the resident's guardian or representative, as applicable. (Section 3-202.2a of the Act)

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.

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:

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.

Section 300.3210 General

t) The facility shall ensure that residents are not subjected to physical, verbal, sexual or psychological abuse, neglect, exploitation, or

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misappropriation of property.

These requirments are not met as evidenced by:

Based on interview and record review, the facility failed to protect a resident's (R1) right to be free from sexual abuse from another resident (R2) with known history of sexual behaviors. This failure resulted in R1 being sexually abused by R2. This applies to 1 of 6 residents (R1) reviewed for sexual abuse in the sample of 6.

The findings include:

R1 has multiple diagnoses including schizoaffective disorder, hypertensive heart disease without heart failure, dystonia, and glaucoma, based on the face sheet.

R1's quarterly MDS (Minimum Data Set) dated November 17, 2023, showed that the resident was cognitively intact. The MDS showed that R1 required "partial/moderate assistance" from the staff with regards to oral, toileting and personal hygiene, shower/bathing, and upper and lower body dressing. The same MDS showed that R1 was independent with eating, bed mobility, transfer, and ambulation.

R1's risk for abuse assessment dated May 30, 2022, showed an undetermined score. The risk for abuse assessment showed that "Yes" was answered for the following questions: "Does the resident have a diagnosis of dementia or mental illness?" "Does the resident have current/history of social inappropriate behaviors (yelling, screaming, repetitive complaints, making false allegations, wandering, disrobing in public etc.)?" and "Does the resident have a history/current behavior of physical or threatening physical

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aggression towards others?" The same risk for abuse assessment indicated that "*If YES is answered for any of the above questions, resident may be at risk for abuse so initiate an "at risk for abuse" care plan."

R1's active care plan initiated on May 23, 2023, showed that the resident was at risk for abuse/neglect based on the comprehensive assessment as evidenced by R1's diagnosis of mental illness. The goal of this care plan was for R1 to be treated with respect, dignity and be free from mistreatment while residing in the facility. The same active care plan documented, "On [January 5, 2024] roommate made unwanted sexual contact to [R1]."

On January 16, 2024, at 11:16 AM, R1 stated that he occupies the second bed, while his roommate (R2) occupies the first bed closest to the door. R1 stated that on the early morning (cannot give specific time) of January 5, 2024, he saw his roommate (R2) masturbating (R1 was gesturing this information) in bed. R1 stated that R2 would masturbate in bed almost daily, while naked, leaving the door and curtain open and most of the time he could see and hear R2 doing the act. According to R1, on that early morning of January 5, 2024, while R2 was masturbating in bed, he stayed in his (R1) bed to go back to sleep, then he was surprised when R2 got on top of him while he (R1) was in his bed. R1 stated that he does not know what was happening because his arms were held down by R2's knees and he was attempting to push R2 off him. R1 stated that while R2 was on top of him, R2 had his penis pulled out and R2's penis was rubbing and pushing up and down his face, chin, and neck areas. According to R1, he believes that R2 was trying to put his penis in his mouth, but he (R1)

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was able to finally push R2 away from him. R1 stated that after the incident he reported to the male staff at the facility's front desk. During the same interview, R1 stated that he does not know why R2 did what he did to him, he was fearful and does not know what was happening. R1 added that he does not want the incident to happen to him again. According to R1, the police came to the facility and had interviewed him with regards to the incident.

The facility's final incident report to the State Agency submitted on January 10, 2024, showed in-part that on January 5, 2024, at 3:39 AM, "[R1] reported that his roommate [R2] was sexually inappropriate with him by laying on top of him and giggling, then he pushed [R2] off of him. Nurses did a body assessment, and no injuries were found. [R2] stated that he was just playing with him. Nurses counseled [R2] on social boundaries and moved [R1] to another hallway. [R2] was put on 30 (minute) checks for increased supervision and MD (Medical Doctor) was notified and ordered a stat Haldol order. [R1] stated he feels safe in the facility, and emotional support was given and [R1] stated he was in no emotional distress. [R1] also denied police notifications at that time. [R1] has no family to notify and is responsible for himself." The final incident report showed in-part, "Upon staff interviewing [R1] on (January 5, 2024) later that morning approximately around 8:30 am, [R1] wanted police notification and stated that [R2] laid on top of him, held his arms down with his knees and dry humped him. Then [R2] took his penis out and put it on his face, neck and chin in an attempt to put his penis in his mouth at that time he was able to push him off onto the floor. Police came to the facility and interviewed [R1] and [R2] with the PRSD (Psychiatric Rehabilitation Service

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Director) and DON (Director of Nursing) present. [R1] explained the above to the police and when the police interviewed [R2] he denied the event ever happened then eventually admitted that the above did happen. At that time the police arrested [R2] and took him to the county jail for processing." The same incident report showed that the allegation of R2's sexual inappropriate behavior towards R1 was substantiated.

R2 was admitted to the facility on August 21, 2023. R2 had multiple diagnoses including schizophrenia, schizoaffective disorder, bipolar disorder, restlessness and agitation, violent behavior, psychosis not due to a substance or known physiological condition, based on the face sheet.

R2's quarterly MDS dated December 5, 2023, showed that the resident was cognitively intact. The MDS showed that R2 required "substantial/maximal assistance" with oral, toileting and personal hygiene, bathing/shower, upper and lower body dressing, putting on/taking off footwear and personal hygiene. The same MDS showed that R2 was independent with eating, bed mobility, transfer, and ambulation.

R2's aggression and violence history and screening assessment dated September 16, 2023, showed that the resident had a history of aggression, had displayed verbal aggression and inappropriate behavior towards staff and co-peer.

R2's progress notes from admission through January 5, 2024, showed multiple behavior notes including the following:

- August 30, 2023, at 4:24 PM, R2 was sexually inappropriate to a female resident. R2 was luring

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the female resident back to his room. R2 was re-directed by staff although was not accepting redirection easily.

- September 16, 2023, at 10:21 AM, R2 had exacerbation of psychosis and sexual inappropriate behaviors directed towards both female staff and female residents. He was making the females uncomfortable by following them around and asking them for a kiss. He was not redirectable and staring into space when redirected. The former PRSC counseled and educated R2. R2 stated that he wanted a girlfriend that he can have sexual intercourse with. R2 was transferred to the hospital as per petition for involuntary/judicial admission.

- September 21, 2023, at 9:37 PM, showed that R2 was readmitted back to the facility from the hospital's behavior unit with multiple admitting diagnoses including aggressive behavior and psychosis.

- September 23, 2023, at 11:39 AM, R2 made sexually inappropriate comment to a female resident. R2 asked the female resident if she would "make love to me/sleep with me." R2 was counseled by Administrator with PRSC, Assistant Director of Nursing and CNA (Certified Nursing Assistant) present.

- September 24, 2023, at 11:00 AM, the CNA reported that R2 started playing with his penis while the CNA was helping resident's roommate to move his belongings out of the room. R2 started lying sideways in bed while playing with penis and started staring at CNA. CNA asked resident to close curtain for privacy in which resident refused. CNA left R2's room and went across the hall to assist another resident. While

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assisting the other resident with the door closed, R2 entered the other resident's room without knocking. R2 then asked the CNA "mom you ok."

- September 25, 2023, at 5:05 PM, R2 was sexually inappropriate towards a female resident. R2 denied the allegation but stated that he did not mean it that way. R2 was educated on sexual behavior. R2 was counseled by the former PRSC to keep his hands to himself at all times and not cause trouble for himself.

- September 25, 2023, at 5:33 PM, a female resident accused R2, "he touched me in a sexually inappropriate manner. He grabbed my shoulder and he asked for a kiss." According to the female resident the incident happened "couple weeks ago". R2 was put on 1 on 1 observation for monitoring for current shift. Director of Nursing, Administrator and Psychiatrist were notified.

- September 27, 2023, at 10:16 AM, R2 had allegation that he enters the female rooms uninvited and at odd times. R2 confirmed that he goes to the room, but he does not know that the ladies don't like it.

- October 2, 2023, at 6:32 PM, CNA reported that R2 was observed hugging and kissing a female resident on her neck. R2 was redirected and counseled about his inappropriate behavior.

- October 15, 2023, at 5:30 PM showed, "As per CNA and roommate, resident [R2] seen in bed naked masturbating without curtains in place. Also, a puddle of urine on floor. As per CNA, resident will not allow her to clean the urine and stated, "I'll clean it, don't come inside". Roommate [R3] told to leave room until the mess

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is cleaned. Roommate also stated, "he's been messing with my stuff, and he pissed on the floor and he's jerking off in his bed with no privacy". Writer approached resident [R2] in his room. Resident seen in bed naked rubbing his private parts. Writer stated, "you have to do these things with the curtain closed". Resident stated, "I'm just cleaning myself". Resident was told to put his clothes on so the staff can clean the floor. Resident stated, "No, I'll clean it". Resident was told again to put his clothes on and that he can't clean it. Resident closed his curtains as told and put his clothes on. CNA was able to clean the urine off the floor. As roommate [R3] presents as uncomfortable, will be shifted to [a different room] temporarily. (Director of Nursing) notified. Resident will be seen by psych social tomorrow (October 16). On going care."

- October 25, 2023, at 6:40 PM, a female resident reported that R2 grabbed her hand and the female resident told R2 not to touch her. The same female resident reported that she told R2 not to come to her room again during the night.

- October 26, 2023, at 5:17 AM, R2 stayed up the entire night walking to and from his room. R2 was told several times not to go into other units/hallways, but resident remained adamant and kept on going to another male resident's room. R2 was verbally aggressive towards staff.

- November 1, 2023, at 9:18 AM, R2 was invading the personal space of a nurse. R2 cornered the nurse behind medication cart making inappropriate comments. R2 was removed by the PRSC and was counseled about maintaining boundaries. R2 was also counseled regarding use of appropriate language, not babe, honey, momma to females.

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- November 1, 2023, at 12:58 PM showed, "[R2] displayed behaviors of delusions pacing verbally disruptive socially inappropriate sexually inappropriate rejection of care." It was documented that R2 was redirected with rejection and was referred to social service. The same notes under comments showed, "Writer followed up on a behavior that occurred on (November 1, 2023). Resident unable to maintain appropriate boundaries with female residents/staff. Resident following females around the facility. Attempted to touch female resident. Made an inappropriate comment to staff, "Are you feeling my penis" repeatedly. Delusional. Making gestures of by putting arms up wanting to fight. Resident non-redirectable. (Administrator)/DON notified. Resident put on 1:1 monitoring. [Psychiatric doctor] ordered petition for hospitalization. Writer will monitor."

- November 1, 2023, at 1:50 PM showed, "10:35am - Resident is inappropriate with staff. Resident asked male activity staff to touch his penis. Resident has been following nurse (female) around and not respecting her personal space. Resident is making gesture of wanting to fight people with putting his fist up to them. Writer phoned [Psychiatrist]. Resident on 1:1 monitoring." R2 was transferred to a behavioral hospital. R2 was readmitted back to the facility on November 7, 2023, based on the progress notes.

- November 8, 2023, at 3:17 PM, R2 was again petitioned to be sent out to the psychiatric hospital because the resident pushed two residents and was making aggressive comments. On November 16, 2023, R2 was readmitted back to the facility from psychiatric hospital, based on

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the progress notes.

- November 19, 2023, at 8:00 AM showed, "7:27am - Resident noted agitated, walked in nurses station targeting [V6 (female nurse)]. Resident walked up to the nurse invading her personal space and was non redirectable when asked to leave the nurses station. Resident stated, "you use to be my girlfriend, can I take you out, my girlfriend got raped, then started making threatening comments of I will beat someone's a_ _ you know what I mean." Resident walked out the nurse's station. Upon resident leaving the nurses station, nurses locked the door. Resident then started knocking on the glass window, then started banging on nurse's station door then proceeded to banging on psych social door. Dining area cleared for other residents' safety. [Director of Nursing] and [Psychiatrist] made aware, orders to call 911 and send resident to the hospital due to his violent behavior."

- November 19, 2023, at 3:07 PM showed, "[R2] displayed behaviors of yelling/ screaming hitting, name calling hallucinations delusions pacing verbally disruptive verbally threatening socially inappropriate sexually inappropriate responding to internal stimuli." It was documented that R2 was redirected but it was rejected. The same notes showed under comments, "Writer followed up on a behavior that occurred on (November 19, 2023). Resident psychosis exacerbated. Resident verbally aggressive, agitated and threatening, targeting a nurse. Resident would not leave nurse's station. Resident violated nurses' personal space by getting extremely close to nurse while agitated, verbally aggressive and yelling. Resident made a delusional statement, "Nurse is my girlfriend, she got raped." A comment which makes no sense. Nurses had

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difficulty getting aggressive resident out of nurses' station. When resident out of nurse station police called; door locked. Resident continue to peer through window at targeted nurse. Resident began violently knocking on the door. Writer escaped to psych-social office when resident paced to hallway. Writer wrote petition. Resident came to psych-social office violently banging on door with increasing strength. Writer waited for police to arrive; knocking stopped. [Administrator]/ DON notified. [Psychiatrist] ordered petition for hospitalization. Resident went willing with police. Writer will monitor." R2's November 20, 2023, progress notes showed that the resident was diagnosed at the hospital with psychosis. R2's November 27, 2023, progress notes showed that the resident was readmitted back to the facility.

- November 28, 2023, at 11:37 AM, housekeeper reported that R2 have been following her around. Housekeeper stated that R2 makes her feel uncomfortable. R2 was reminded by the nurse to keep his distance from staff and other residents.

- December 26, 2023, at 3:53 PM, R2 made sexually inappropriate comment to the housekeeper. PRSC counseled R2.

- January 3, 2024, at 10:27 AM showed, "It was reported by a CNA that resident was sexually inappropriate. Resident rubbed CNA's butt as he walked by her with his hand. Resident was counseled about his behavior; to keep his hands to himself. Resident denied the behavior, stating that everyone thinks he is the "antichrist." Resident takes no accountability for his actions. Writer will monitor."

- January 3, 2024, at 4:30 PM showed, "It was

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reported by [female nurse] that when she was walking with another staff member this resident grabbed her arm and was told to let her go. This resident then interrupted the other nurse while talking with another resident. Nurse asked resident multiple times to remove himself from between her and the other resident that she was speaking with. [Psychiatrist] called, per [Psychiatrist] give 10 mg IM (intra muscularly) Haldol stat. Writer attempted to give Haldol resident refused and started yelling; therefore, approved order for Haldol 10 mg po (by mouth) stat was given. Writer spoke with resident after giving prn (as needed) Haldol 10 mg po. Resident was redirected and said he's ok. Social department/DON made aware of situation."

- January 4, 2024, at 5:42 PM, created by V5 (Psychiatrist) showed that he provided service to R2 on January 4, 2024. V5 documented in-part, "F/U (follow up) psychiatric assessment/medication management. # pt (patient) is more hypersexual. Pt's case was discussed with DON and medication nurse." The same notes showed, "Plan: add Haldol 5 mg bid (twice a day) po (by mouth)."

- January 5, 2024, at 3:45 AM created by V9 (LPN/Licensed Practical Nurse) showed, "Resident's roommate [R1] reported that [R2] laid on top of him while he was sleeping and was giggling. [R2] stated he was just playing with him in a joking manner. Resident counseled on social boundaries, placed on half hour check, paged [V5/Psychiatrist]." R2's progress notes dated January 5, 2024, at 7:49 AM, showed that V5 was notified of R2's behavior with orders to give Haldol 10 mg once by mouth.

- January 5, 2024, at 1:32 PM created by V4

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PRSD (Psychiatric Rehabilitation Service Director) showed, "It was reported by the resident's roommate that resident [R2] made unwanted sexual contact to roommate [R1] while [R1] was lying in bed. Administrator and DON were notified. Roommate [R1] was assisted by psych social to call the police. Roommate [R1] made a report to police with DON and PRSD present. Police officers also spoke with resident [R2]. Resident stated to police that he "got on top of his roommate [R1] while roommate was lying in bed." Resident further stated that [R1] raised his arms and asking, "What are you doing?" Resident went on to state that he pulled out his private part and was pushing up and down on roommate's chest. After resident's statement, resident was told by police to put on his shoes. Resident was handcuffed and escorted from the facility by police."

R2's active care plan until January 5, 2024, initiated on November 1, 2023, showed that the resident had inappropriate social boundaries as evidenced by inappropriate touching of others, invading resident or staff personal space and asking inappropriate questions about staff members personal lives. The care plan's goal documented, "[R2] will have no incidents/behaviors of inappropriate social boundaries through next review. The target date for this care plan was February 5, 2024. There were three interventions for this care plan all initiated on November 1, 2023, showing, "Contact psychiatrist/MD and any other mental health staff regarding behavior and interventions as needed, encourage resident to participate in psychosocial programming to assist him/her in gaining insight into illness/behaviors/inappropriate social boundaries and redirect and counsel resident when seen displaying inappropriate social

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boundaries." This care plan was not revised to include additional interventions after the resident manifested inappropriate social boundaries and inappropriate touching starting November 19, 2023, through January 3, 2024, as documented on R2's progress notes.

R2's active care plan until January 5, 2024, initiated on November 1, 2023, showed, "[R2] exhibits sexually inappropriate behavioral symptoms (as evidenced) by attempting to take advantage of a peer who lacks the ability to consent, manipulating others, crude comments/ sexually orientated profane or suggestive remarks. Physical touching, grabbing. On [December 26, 2023, resident made a sexually inappropriate comment to staff. On [January 3, 2024] reported by a CNA that resident was sexually inappropriate to staff. The care plan's goal documented, "[R2] will act appropriately towards female residents/staff, using no derogatory language, keeping healthy boundaries (hand to himself), showing respect in all interactions. The target date for this care plan was April 5, 2024. There were three interventions for this care plan all initiated on November 1, 2023, showing, "Educated resident on appropriate male to female interaction, encourage resident to attend psych-social groups and encourage resident to learn how to be friends with women. Encourage resident to defocus on the sexual aspect of women to see the person." This care plan was not revised to include additional interventions after the resident manifested inappropriate sexual behaviors starting November 19, 2023, through January 3, 2024, as documented on R2's progress notes.

On January 16, 2024, at 12:23 PM, V4 (PRSD/Psychiatric Rehabilitation Service

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Director) stated that R2 was socially inappropriate as manifested by constant pacing around the facility, at times would be staring at staff, does not respect boundaries and personal space of the staff and residents and would constantly call staff, "momma." V4 stated that R2 was also sexually inappropriate to staff, with a report of inappropriate touching of staff. According to V4, she was aware that R2 had sexual behavior of masturbating but was not aware that R2 does the act without privacy. V4 was aware that R2's sexual behavior was escalating due to multiple reported and documented incidents including R2's sexual comments to the housekeeper, R2 rubbing a CNA's bottom area and R2 grabbing the arm of a female nurse. V4 was asked what interventions were placed with regards to R2's escalating sexual behaviors. V4 responded that R2 was re-directed by the staff and counseled by the PRSC (Psychiatric Rehabilitation Service Coordinator), which according to V4, R2 at times does not respond well to redirection and counseling. V4 stated that R2 also does not attend any in-house or outside psychosocial program to address his mental illness and to manage/control his socially inappropriate and sexual behaviors. During the same interview, V4 stated that she was informed by V8 (PRSC) on January 5, 2024, at around 9:00 AM, that R1 reported to her (V8) that R2 went on top of him, R2's penis was out and was rubbing on R1's face and chest area. V4 stated that on January 5, 2024, at approximately 10:00 AM, she talked to R1 about his allegation of sexual abuse. R1 gave the same consistent information that R2 went on top of him, and R2 rubbed his penis on his face and chest area. According to V4, while R1 was narrating the sexual incident, R1 was anxious, and his voice was more shaken and stammering. V4 added that R1 appeared shaken and very

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disturbed about the sexual incident. V4 stated that she told R1 that the police will be called to report the sexual incident and R1 agreed to it. V4 stated that on January 5, 2024, at approximately 10:30 AM, a phone call was placed to the police department to report R1's sexual abuse allegation and within 10 minutes two police officers came to the facility to interview R1 and R2. V4 stated that V2 (Director of Nursing) and herself were present when the police interviewed separately, both R1 and R2. R1 was inside the psychosocial room and told the police officers that his roommate (R2) came to his bed, held his arms down, got on top of him on his chest area, R2's pants were pulled down and R2 rubbed his penis on R1's chest area, moving up and down from his chest to upper abdominal area and all over his (R1) face and chin. When the police spoke to R2 while the resident was inside his room, at first R2 denied the allegation and stated that they (R1 and R2) were just playing but eventually R2 told the police that while R1 was in his bed, he got on top of R1 with his pants pulled down, R1's arms were held out and was asking him, "what are you doing?" and he started to move his penis (R2) up and down R1's face and chest, while R1 was pinned down. According to V4, after the police interview with R2, the police officers told R2 to put on his shoes, handcuffed R2 and escorted R2 out of the facility.

On January 16, 2024, at 2:45 PM, V2 (Director of Nursing) stated that on January 4, 2024, at approximately 10:30 AM, she talked to V5 (Psychiatrist) with regards to R2's increasing sexual behaviors, including making sexual comments or suggestive remarks to the female nurses, mostly towards V6 (Nurse). V2 stated that R2 would make remarks like, "Babe do you want to go with me?" R2 would go inside the

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nursing station and stare at V6 and R2 would also be staring at young female CNAs which made the female staff uncomfortable. R2 would walk against a resident, getting too close and not respecting residents and/or staff personal boundaries, manifesting, "on your face behavior." According to V2 she was aware that R2 would masturbate in bed, naked with door and curtain open. Aware that nurses would inform the social service department including the PRSC and PRSD about R2's escalating sexual behaviors and when the PRSC or the PRSD would talk to R2, the resident was not directable or would say he was "sorry" for his behavior but still would repeat the same sexual behavior. According to V2, she was present when R2 was interviewed by the Police on January 5, 2024, at approximately between 9:15 AM and 9:45 AM. R2 told the Police that his penis was out, and he was straddling on R1's chest.

On January 16, 2024, at 2:58 PM, V10 (CNA) stated that she is a full-time staff at the facility and regularly works from 11:00 PM through 7:00 AM shift, and at times picks up 3:00 PM through 11:00 PM shift. V10 stated that R2 would often make sexual suggestive remarks like, "momma give me a kiss, then I'll go to bed" and then laugh. According to V10, R2 regularly goes to all unit hallways at night, regardless of if the unit hallways are for male or female and when re-directed he would show his fist and say, "You want this? Don't talk to me." V10 stated that R2 could be easily re-directed to stop and go back to his room, when he was wandering in the female unit, however, it was very hard to re-direct R2, when he was wandering in the male unit. V10 stated that he has seen R2 wander inside the male resident rooms and took out coffee from the table, a radio or other stuff. According to V10, it is hard to stop

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or re-direct R2 and stated, "I'm afraid he will hit me, I'm scared of him." V10 stated that R2 does not listen to female staff and would only listen to the male staff. V10 stated that she remembers witnessing R2 hugging and telling a former female resident of the facility to come to his room at least twice and on both occasions she (V10) was able to stop R2. During the same interview, V10 stated that during her night shift rounds, she would observe R2 naked in bed, masturbating with the door and curtain open, and R2 would make sexual suggestive comments like, "come join me, momma." V10 stated that this sexual behavior of R2 happens almost every time she was working, which was at least five times per week. According to V10, when R2 would manifest sexual behavior, she would attempt to re-direct R2, then inform the nurse on duty. V10 stated that R2 occupies bed 1 which was closest to the door while his roommate (R1) occupies bed 2. V10 stated that R1 was a very quiet and pleasant person and does not cause any problem to the staff and other residents. V10 stated that she was working on January 4, 2024, from 11:00 PM through January 5, 2024, at 7:00 AM. V10 denied seeing and/or hearing any sexual abuse from R2 towards R1 during her entire shift from January 4th through the 5th.

On January 16, 2024, at 3:15 PM, V11 (CNA) stated that that she is a full-time staff at the facility and regularly work from 3:00 PM through 11:00 PM shift, and at times picks up 11:00 PM through 7:00 AM shift. V11 stated that R2 regularly wanders along the hallways and main dining area. R2 would wander inside other residents' room looking for food, mostly in the male units. V11 stated that R2 had behavior of attempting to hug staff and female residents. V11 added that R2 had attempted to touch her lower

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back or attempted to hug her, and when she told R2 to stop, the resident got aggressive and in a loud voice asked her, "want some of this, momma" while showing his fist. V11 stated that R2 does not want to be told, re-directed or be corrected. According to V11, one time (does not know specific date) she was asked by R2 if she wanted to go to bed with him. V11 stated that R2 makes her very uncomfortable and uneasy. During the same interview, V11 stated that most of the time when R2 was in his bed, R2 would be constantly masturbating, at times naked or hands under his pants without cover, curtain and door wide open. According to V11, each time she saw this sexual behavior of R2, she would close the door to provide privacy but R2 would get mad and aggressive, she then would tell the nurse on duty. The nurse would either talk to R2 or tell the psychosocial staff about the sexual behavior. V11 stated that she was the assigned CNA for R2 on January 4, 2024, from 11:00 PM through January 5, 2024, at 7:00 AM. V11 denied seeing and/or hearing any sexual abuse from R2 towards R1 during her entire shift from January 4th through the 5th. However, during the early morning of January 5, 2024, she saw R1 very upset and hyper while walking with a male reception staff towards the nursing station to report the incident with R2.

On January 18, 2024, at 3:39 PM, V8 (PRSC) stated that she was the case manager of R2. V8 stated that R2 was a difficult resident and had required constant re-direction to make sure that he is behaving appropriately. Since R2's admission to the facility, the resident does not know proper behavior towards female residents and staff by addressing them in a derogatory and condescending manner like, "hey, baby momma." R2 does not respect residents' and staff's

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personal boundaries by getting too close to them and the residents and staff do not feel comfortable, especially V6 (Licensed Practical Nurse) whom he cornered during medication pass. R2 constantly paces throughout the facility and had asked female residents to go back to his room, even though the female resident does not have the capacity to say "yes or no" to him. According to V8, a lot of residents both male and female, mostly female residents do not feel comfortable around him. V8 stated that since R2's last readmission to the facility on December 18, 2023, from the behavioral hospital, the staff nurses and CNAs do not feel comfortable around him because they felt that something was just not right with him (R2). V8 stated that prior to the incident on January 5, 2024, with R1, R2's sexual behavior was escalating as documented on his progress notes. R2 was making sexual comments to the housekeeper, grabbing the arm of a female nurse and rubbing a CNA's bottom area. V8 stated that R2 receives constant re-direction from the staff and sometimes, R2 was not redirectable and when the psychosocial staff would counsel him, sometimes he was receptive and sometimes not. V8 stated that R2 was "acutely aware that his sexual behaviors are wrong, but he could not help to avoid doing the behavior." According to V8, R2 had told her many times that he wanted to connect with a female but because of his sexual behavior he cannot have the relationship. R2 was heavily counseled about having female relationship, was advised to talk to an outside licensed social worker and was encouraged to attend in-house or outside psychosocial programs and activities but refused. According to V8, since R2's admission to the facility there was no documentation that he attended any of his assigned in-house psychosocial programs like substance abuse. V8

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was not aware that R2 had a behavior of masturbating because this behavior was not communicated to her. V8 was asked what intervention/plan the facility IDT (interdisciplinary team) put in place to address R2's hypersexual behavior. V8 responded that the only plan that she was aware of was to re-direct and counsel R2 when the sexual behavior occurs.

On January 23, 2024, at 2:06 PM, V12 (Nurse Practitioner) stated that for any behavior concerns, the facility usually calls the Psychiatrist. V12 stated that for residents with hypersexual behavior, usually they are sent out to the hospital for the management of the behavior, or the Psychiatrist may address the behavior while the resident was at the facility. According to V12, as a best practice, a resident with hypersexual behavior should be residing in a room by himself or be with another resident that was not at risk for abuse. It is also best practice to place the resident with hypersexual behavior on a 1:1 monitoring until the behavior subsides or until any prescribed medication from the Psychiatrist had taken effect.

The Police incident report dated January 5, 2024, showed that two police officers responded to the facility on January 5, 2024, at approximately 10:31 AM for a report of a sexual assault. The report showed that the two police officers spoke to R1 in the presence of several staff members, "that two nights ago he believed his roommate, [R2] tried to rape him." The report showed, "[R1] said that he was lying in bed trying to fall asleep, when he felt someone pushing down on his arms, holding them down by his sides. [R1] said that he woke up and saw [R2] on top of him, holding his arms down. [R1] said he began trying to lift his arms to push [R2] off of him, and that [R2]

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continued to straddle him on the bed while holding his arms down. [R1] said that [R2] then moved his body further up [R1's] body, removed his penis from his sweatpants, and began rubbing his penis on [R1's] face. [R1] saw a black mark near [R2's] penis. [R1] was unable to say whether or not [R1's] penis was erect at the time of the incident." The report showed in-part, "Both (redacted) said that [R1] has given several statements to them and their staff about the incident and all statements have been consistent with the statements he gave us. They also said that they were not surprised by this because [R2] is hypersexual and there have been multiple incidents involving [R2] talking inappropriately/sexually to other residents and staff members and have also been incidents where [R2] touched nurses inappropriately. (Redacted) also said that she knows [R2] to have a distinct mole near his groin area that [R1] would only know about if he saw [R2] with his pants down." The same police report showed that the two police officers went to R2's room with staff members. "[R2] was willing to speak with us and I asked him about the incident between him and his roommate the other night. [R2] said that [R1] was asleep in his bed and he pushed down on [R2's] chest several times. [R2] said that [R1] woke up and began trying to push him away with both hands and that [R2] grabbed [R1's] arms and was "messing with him." I asked [R2] what he meant by 'Messing with him" and he said that he was kind of wrestling with him. I asked [R2] about his penis being out of his pants and [R2] said that it was, but then quickly changed his answer saying that it was not. I asked [R2] if he thought [R1] put his hands up because he wanted [R2] to stop, and [R2] said that he did believe [R1] wanted him to stop. I asked how long [R2] thought he was wrestling with [R1] and he

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estimated it to be about one minute. I asked [R2] if he was on the bed or next to the bed during this, and [R2] said that he was on the bed on top of [R1], near chest level on [R1]. I again asked [R2] about his penis being outside of his pants and again [R2] said that it was, but then quickly changed his answer saying that his penis was inside of his pants the whole time." The same police report showed that R2 was charged with two counts of Domestic battery and was transported to the County jail.

The facility's policy and procedure regarding abuse effective March 2022 showed in-part, "This facility affirms the right of our consumers to be free from verbal, physical, sexual, mental abuse, neglect, exploitation, misappropriation of property, involuntary seclusion or mistreatment. This facility therefore prohibits abuse, neglect, exploitation, misappropriation of property, and mistreatment of consumers. In order to do so, the facility has attempted to establish a consumer sensitive and consumer 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 abuse, neglect, exploitation, misappropriation of property and mistreatment of consumers."

On January 23, 2024, at 11:54 AM, V1 (Administrator) stated that the facility does not have any existing policy and procedure to provide guidelines in caring for residents with inappropriate sexual behavior or hypersexual behavior.

(B)