

Illinois Department of Public Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: IL6012140	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED C 05/22/2019
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NAME OF PROVIDER OR SUPPLIER MARIGOLD ESTATES	STREET ADDRESS, CITY, STATE, ZIP CODE 3240 BARNEY AVENUE PEKIN, IL 61554
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Z 000	COMMENTS 1923100 / IL00111745 1923157 / IL00111810 1922698 / IL00111301	Z 000		
Z9999	FINDINGS Licensure Violations 350.620a) 350.3240a) 350.3240c) 350.3240e) 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 Section 350.3240 Abuse and Neglect a) An owner, licensee, administrator, employee or agent of a facility shall not abuse or neglect a resident. (Section 2-107 of the Act) c) A facility administrator who becomes aware of abuse or neglect of a resident shall immediately report the matter by telephone and in writing to the resident's representative. (Section 3-610 of the Act) e) Employee as perpetrator of abuse. When	Z9999	<p>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>an investigation of a report of suspected abuse of a resident indicates, based upon credible evidence, that an employee of a long-term care facility is the perpetrator of the abuse, that employee shall immediately be barred from any further contact with residents of the facility, pending the outcome of any further investigation, prosecution or disciplinary action against the employee. (Section 3-611 of the Act)</p> <p>Based on record review and interview the facility failed to protect residents from abuse with the potential to affect 16 of 16 residents in the facility (R1-R16) when they failed to:</p> <ul style="list-style-type: none"> ~ Promptly identify and take corrective action to keep residents safe from abuse after staff reported verbal and psychological abuse. ~ Implement their policy to ensure residents are free of abuse <p>Based on observation, record review and interview the facility failed to ensure residents were not restricted from personal choice affecting 1 of 3 individuals in the sample (R1) and 1 individual outside the sample (R4).</p> <p>Findings include:</p> <p>1) R1's Interdisciplinary Team Evaluation dated 10/5/18 states she is a 44 year old female who functions at the level of Moderate Intellectual Disability.</p> <p>During observations on 5/3/19 at 1:00pm, R1 was walking in the dining room using a handheld electronic device.</p>	Z9999		
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Z9999	<p>Continued From page 2</p> <p>During interview on 5/3/19 at 1:05pm, R1 was asked if she used (a social media site). R1 stated, "Yes". R1 was asked if she had E7, the former administrator, on her social media account. R1 stated, "No, they (staff) told me I couldn't have her as a friend any more." R1 was asked who told her this. R1 stated, "I don't remember the staff."</p> <p>2) R4's Annual Interdisciplinary Team Evaluation dated 4/26/18 states he has diagnoses which include Moderate Intellectual Disability and Hypothyroidism.</p> <p>R4 was interviewed on 5/3/19 at 1:45pm. R4 stated during this interview that (E1, Administrator) took his personal checkbook away. R4 explained that he has a Resident Checking Account and a Personal Checkbook. R4 stated E1 told him he needs to use the Resident Account. R4 was asked why his checkbook was taken away. R4 stated, "Because (E1) found out I was buying candy for other people. She says I can't."</p> <p>E6, Residential Service Director, was interviewed on 5/3/19 at 1:54pm and confirmed R4's personal checkbook was taken away.</p> <p>Record review revealed a Behavior Management/Human Rights Committee Notification of Medication/Program Change/Rights Restriction (BMHR) form signed by E1 on 4/25/19. This form states, "Due to (R4's) continued misuse of his personal checkbook, this account will be suspended for now but he will continue to have access to all his funds through resident group account."</p> <p>E6 was asked if she could provide documentation</p>	Z9999		
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Z9999	<p>Continued From page 3</p> <p>detailing R4's past misuse of his account. No documentation was received.</p> <p>E1 was interviewed on 5/3/19 at 2:00pm and asked if she restricted the use of R4's checkbook. E1 stated, "Yes." E1 was asked why R4 is not allowed to have his checkbook. E1 stated, "Because he was buying candy for staff." E1 was asked if this restriction was in R4's Behavior Program. E1 stated, "No." E1 was asked if R4 had a program in place regarding his checkbook. E1 stated, "No, I was going to write one after the BMHR was signed."</p> <p>A Facility Roster of residents dated 12/10/18 was provided at the beginning of the survey. This Roster shows of the 16 residents living in the facility, four are diagnosed with Mild Intellectual Disability, ten are diagnosed with Moderate Intellectual Disability and two are diagnosed with Severe Intellectual Disability.</p> <p>An undated policy titled "Abuse Reporting Policy" states, "It is the policy of this Facility that all incidents or suspected incidents of resident abuse be reported. A section titled "Procedure" reads, "1. Abuse is any physical, mental or verbal injury, or sexual assault inflicted on a resident other than by accidental means. b) Mental abuse includes, but is not limited to, humiliation, harassment, threats of punishment, or withholding of treatment or services. c) Verbal abuse is any use of oral, written or gestured language that includes disparaging and derogatory terms to resident or their families, or within their hearing distance, regardless of their age, ability to comprehend, or disability." It further states, "5. An investigation will be initiated in accordance with the Facility's policy entitled, Abuse Investigation."</p>	Z9999		
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Z9999	<p>Continued From page 4</p> <p>An undated Policy titled "Abuse Investigation Procedure" states, "It is the policy of this facility that reports of abuse be promptly and thoroughly investigated. 4) Until the investigation has been completed, facility employees suspected of resident abuse will be kept away from any further contact with residents."</p> <p>E1, Administrator, was asked for Inservice Meetings at the beginning of the survey. E1 provided this surveyor a copy of an inservice dated 3/26/19. This inservice had handwritten notes from employees attached. One of the letters dated 3/20/19 and written by E4, Housekeeper, states, "The main reason (I'm writing this statement) being that (staff) nor residents are being treated properly by E3 (Qualified Intellectual Disability Professional). When the residents approach her she acts completely disgusted in them. I have witnessed this several times. Yesterday she refused to shake a residents hand and instead grabbed his shirt sleeve and again had a disgusted look on her face."</p> <p>Another letter dated 3/20/19 and written by E5, Unit Director, states, "During the meeting a resident tried to shake her hand, E3 grabbed the sleeve of his shirt in disgust and made a face, making sure the resident knew not to do it again. She made comments calling the residents' BM (Bowel Movement) issues disgusting."</p> <p>R15 was interviewed on 4/23/19 at 1:11 p.m. and asked if she has ever heard E3 yell at or say mean things to herself or residents in her home. R15 stated, "She yells at staff in front of us. She yells and says mean things to the residents. R15 was asked if she is afraid of E3. R15 stated,</p>	Z9999		

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Z9999	<p>Continued From page 5</p> <p>"Yeah. R15 said she does it in from of staff including when (E1) and/or (E6) are there."</p> <p>R3 was interviewed on 4/23/19 at 1:17 p.m. and asked if he has ever heard E3 yell at or say mean things to himself or residents in his home. R3 stated, "Yes I have. She threatens us and raises her voice. She is always getting mad and tells us to go away. She told (E4 and E5) to sit down and shut up. She threatens to take things away and not let me go shopping." R3 was asked if he had reported this. R3 said he had talked to (E6) about it. R3 was asked if he was afraid of E3. R3 said, "Yes."</p> <p>R4 was interviewed on 4/23/19 at 1:21 p.m. and asked if he has ever heard E3 yell at or say mean things to himself or residents in his home. R4 stated, "Yes." R4 was asked to explain what happened. R4 stated, "(E3) told R5 to sit down and shut up." R4 was asked if he had ever told staff about this. R4 said he had talked with (E6). R4 was asked if he was afraid of E3. R4 stated, "Sometimes, yeah."</p> <p>R1 was interviewed on 4/24/19 at 9:28 a.m. and asked if she has ever heard E3 yell at or say mean things to herself or residents in her home. R1 stated, "Yes, she hurts my feelings. I'll talk to her and say hi, she won't say hi back. She yells at all of us residents. She yells at people when they argue." R1 was asked if she was afraid of E3. R1 stated, "Yes." R1 stated she had not reported it to staff because she was afraid she would get in trouble because she "wanted to see her aunt more" and was afraid of retaliation.</p> <p>Z1, employee speaking under condition of anonymity due to fear of retaliation, was interviewed on 4/23/19 at 11:00 a.m. and asked if</p>	Z9999		

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Z9999	<p>Continued From page 6</p> <p>she has ever heard E3 verbally abuse residents. Z1 stated, "Yes. she recently yelled at them during a meeting on March 19, 2019 when they came home early. She was yelling when she told them to put their lunchboxes in the kitchen and wait out in the living room" (they usually sit at the table and have a snack). Z1 was asked if she reported this to administration. Z1 stated she reported this to E6, Residential Service Director in writing, per policy. Z1 was asked if any residents were fearful of E3. Z1 stated "(E4)".</p> <p>Z3, speaking under condition of anonymity due to fear of retaliation, was interviewed on 4/23/19 at 11:15 a.m. and asked if she has ever heard E3 verbally abuse residents. Z3 stated she has heard E3 tell R2 to shut up, mocked R3 when he baby talks, screamed No to R13 when he tried to take a pen, and said "your gut is hanging out, pull your shirt down" in a demeaning tone to R15. Z3 asked if E1 had been made aware of these instances. Z3 stated, "Yes, many times to (E1)".</p> <p>Z4, employee speaking under condition of anonymity due to fear of retaliation, was interviewed on 4/23/19 at 12:50 p.m. and asked if she has ever heard E3 verbally abuse residents. Z4 stated, "Yes, she yells at them & tells them to get away from her. Most residents just steer clear of her."</p> <p>Z5, employee speaking under condition of anonymity, was interviewed on 4/23/19 at 12:53 p.m. and asked if she has ever heard E3 verbally abuse residents. Z5 stated, "(E3) doesn't like working with the residents. She is very rude to them. The other day she had a resident try to shake her hand and she grabbed his wrist with her finger and thumb, made a disgusting face and moved it away at arms length." Z5 reported she</p>	Z9999		
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Z9999	Continued From page 7 reported this to E6. Z7, employee speaking under condition of anonymity, was interviewed on 4/23/19 at 1:49 p.m. and asked if she has ever heard E3 verbally abuse residents. Z7 stated, "(E3's) body language says a lot. She is always on her computer. When residents come up to her she acts disgusted and doesn't interact with them. One resident tries to shake her hand and she moves away from him." Z8, employee speaking under condition of anonymity, was interviewed on 4/23/19 at 1:51 p.m. and asked if she has ever heard E3 verbally abuse residents. Z8 stated, "(E3) doesn't speak to residents. One time (R4) was home from day training and attempted to casually talk to her numerous times and she never spoke to him." Z8 states this was reported to E6. Z9, employee speaking under condition of anonymity, was interviewed on 4/23/19 at 3:02 p.m. and asked if she has ever heard E3 verbally abuse residents. Z9 stated, "(E3) tells people to go away. When she was in a different position for the company she would wait until the residents left for workshop to come in and make statements that she had to get out of there before they got home. She clearly avoids them. (R16) is nonverbal and will try to shake her hand. She just looks disgusted. When (R6) comes near her, she rolls her eyes and keeps a distance." Z9 states this was reported to E6. Z10, employee speaking under condition of anonymity, was interviewed on 4/25/19 at 3:20 p.m. and asked if she has ever heard E3 verbally abuse residents. Z10 stated, "(E3) doesn't involve herself with residents. She talks loudly toward	Z9999		

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Z9999	<p>Continued From page 8</p> <p>them. She doesn't want to touch (R16) when he approaches her, she grabs his sleeves and won't touch him."</p> <p>Z2, employee speaking under condition of anonymity, was interviewed on 4/23/19 at 3:37 p.m. and asked if she has ever heard E3 verbally abuse residents. Z2 stated, "(E3) was having a staff meeting and the residents came home early. They usually sit at the table and eat their snack but she yelled at them saying to get in the other room and herded them like animals. She is known to be a trigger for R4's behaviors and antagonizes him to the point he has a behavior. She called the police one time after he had a behavior she had instigated. She doesn't even acknowledge (R16). She yells at (R13) telling him to GO or shutup. She mocks the way R3 talks. She told R15 to pull her shirt down, your gut is hanging out which made R15 not want to eat at mealtime. There are two residents on groping programs but she gropes other staff members by grabbing their breasts or butt in front of residents, setting a bad example."</p> <p>Z2 was asked if these issues were reported. Z2 stated, "Yes, E1 knows. We have had staff meetings about it and have written letters which were given to (E1). E3 has never been reprimanded or taken off of work. We are threatened in the meetings with neglect and many of us are afraid of retaliation. (E1) says that (E3) is just frustrated or busy."</p> <p>E1 was interviewed on 4/24/19 at 11:44 a.m. E1 was asked if staff had notified her that E3 abuses residents. E1 stated she received the employee notes on 3/20/19 and didn't review them until 4/11/19. E1 stated she thought it was "an issue between staff." E1 stated they had a meeting on</p>	Z9999		

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Z9999	<p>Continued From page 9</p> <p>4/17/19 to address the issue between employees.</p> <p>E1 was asked if the allegations of abuse toward residents were investigated. E1 stated, "No."</p> <p>E1 was asked if E3 had been removed from the the facility at any time prior to this complaint survey, since receiving the allegations on 3/20/19 from E4 and E5 (35 days elapsed) per their policy. E1 stated, "No."</p> <p>(B)</p>	Z9999		
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