

Illinois Department of Public Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: IL6000822	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED C 07/23/2015
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NAME OF PROVIDER OR SUPPLIER BELHAVEN NURSING & REHAB CENTER	STREET ADDRESS, CITY, STATE, ZIP CODE 11401 SOUTH OAKLEY AVENUE CHICAGO, IL 60643
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(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
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S9999	<p>Final Observations</p> <p>STATEMENT OF LICENSURE VIOLATIONS:</p> <p>Complaint investigation.</p> <p>1583515/ IL78345 - 300.3300</p> <p>1583577/ IL78415 - 300.3300</p> <p>1583754/ IL78606 - 300.3300</p> <p>Section 300.3300 Transfer or Discharge</p> <p>a) A resident may be discharged from a facility after he or she gives the administrator, a physician, or a nurse of the facility written notice of his or her desire to be discharged. If a guardian has been appointed for a resident or if the resident is a minor, the resident shall be discharged upon written consent of his or her guardian or if the resident is a minor, his or her parent unless there is a court order to the contrary. In such cases, upon the resident's discharge, the facility is relieved from any responsibility for the resident's care, safety or well-being. (Section 2-111 of the Act)</p> <p>b) Each resident's rights regarding involuntary transfer or discharge from a facility shall be as described in subsections (c) through (y) of this Section.</p> <p>c) Reasons for Transfer or Discharge</p> <p>1) A facility may involuntarily transfer or discharge a resident only for one or more of the following reasons:</p>	S9999	<p>Attachment A</p> <p>Statement of Licensure Violations</p>	
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Illinois Department of Public Health
LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE

(X6) DATE

08/19/15

Illinois Department of Public Health

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S9999	<p>Continued From page 1</p> <p>A) for medical reasons.</p> <p>B) for the resident's physical safety.</p> <p>C) for the physical safety of other residents, the facility staff or facility visitors.</p> <p>D) for either late payment or nonpayment for the resident's stay, except as prohibited by Titles XVIII and XIX of the federal Social Security Act. For purposes of this Section, "late payment" means non-receipt of payment after submission of a bill. If payment is not received within 45 days after submission of a bill, a facility may send a notice to the resident and responsible party requesting payment within 30 days. If payment is not received within such 30 days, the facility may thereupon institute transfer or discharge proceedings by sending a notice of transfer or discharge to the resident and responsible party by registered or certified mail. The notice shall state, in addition to the requirements of Section 3-403 of the Act and subsection (e) of this Section, that the responsible party has the right to pay the amount of the bill in full up to the date the transfer or discharge is to be made and then the resident shall have the right to remain in the facility. Such payment shall terminate the transfer or discharge proceedings. This subsection (c) does not apply to those residents whose care is provided under the Illinois Public Aid Code. (Section 3-401 of the Act)</p> <p>d) Involuntary transfer or discharge of a resident from a facility shall be preceded by the discussion required under subsection (j) of this Section and by a minimum written notice of 21 days, except in one of the following instances:</p>	S9999		
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S9999	<p>Continued From page 2</p> <p>1) When an emergency transfer or discharge is ordered by the resident's attending physician because of the resident's health care needs; (Section 3-402(a) of the Act)</p> <p>2) When the transfer or discharge is mandated by the physical safety of other residents, the facility staff, or facility visitors, as documented in the clinical record. The Department shall be notified prior to any such involuntary transfer or discharge. The Department will immediately offer transfer, or discharge and relocation assistance to residents transferred or discharged under this subsection (d), and the Department may place relocation teams as provided in Section 3-419 of the Act; or (Section 3-402(b) of the Act)</p> <p>e) For transfer or discharge made under subsection (d), the notice of transfer or discharge shall be made as soon as practicable before the transfer or discharge. The notice required by subsection (d) of this Section shall be on a form prescribed by the Department and shall contain all of the following:</p> <p>1) The stated reason for the proposed transfer or discharge; (Section 3-403(a) of the Act)</p> <p>2) The effective date of the proposed transfer or discharge; (Section 3-403(b) of the Act)</p> <p>3) A statement in not less than 12-point type, which reads:</p> <p>"You have a right to appeal the facility's decision to transfer or discharge you. If you think you</p>	S9999		
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S9999	<p>Continued From page 3</p> <p>should not have to leave this facility, you may file a request for a hearing with the Department of Public Health within 10 days after receiving this notice. If you request a hearing, it will be held not later than 10days after your request, and you generally will not be transferred or discharged during that time. If the decision following the hearing is not in your favor, you generally will not be transferred or discharged prior to the expiration of 30 days following receipt of the original notice of the transfer or discharge. A form to appeal the facility's decision and to request a hearing is attached. If you have any questions, call the Department of Public Health at the telephone number listed below."; (Section 3-403(c) of the Act)</p> <p>4) A hearing request form, together with a postage paid, preaddressed envelope to the Department; and (Section 3-403(d) of the Act)</p> <p>5) The name, address, and telephone number of the person charged with the responsibility of supervising the transfer or discharge. (Section 3-403(e) of the Act)</p> <p>f) A request for a hearing made under subsection (e) of this Section and Section 3-403 of the Act shall stay a transfer pending a hearing or appeal of the decision, unless a condition which would have allowed transfer or discharge in less than 21 days as described under subsections (d)(1) and (2) of this Section develops in the interim. (Section 3-404 of the Act)</p> <p>g) A copy of the notice required by subsection (d)(1) of this Section and Section 3-402 of the Act shall be placed in the resident's clinical record and a copy shall be transmitted to</p>	S9999		
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S9999	<p>Continued From page 4</p> <p>the Department, the resident, the resident's representative, and, if the resident's care is paid for in whole or part through Title XIX, to the Department of Healthcare and Family Services. (Section 3-405 of the Act)</p> <p>h) When the basis for an involuntary transfer or discharge is the result of an action by the Department of Healthcare and Family Services with respect to a recipient of Title XIX and a hearing request is filed with the Department of Healthcare and Family Services, the 21-day written notice period shall not begin until a final decision in the matter is rendered by the Department of Healthcare and Family Services or a court of competent jurisdiction and notice of that final decision is received by the resident and the facility. (Section 3-406 of the Act)</p> <p>l) A resident subject to involuntary transfer or discharge from a facility, the resident's guardian or if the resident is a minor, his or her parent shall have the opportunity to file a request for a hearing with the Department within 10 days following receipt of the written notice of the involuntary transfer or discharge by the facility. (Section 3-410 of the Act)</p> <p>This requirement is not met as evidenced by:</p> <p>Based on record review and interview the facility failed to provide a resident or a resident's responsible party with a 30 day notice of an involuntary discharge prior to a resident's discharge, which outlines the reason for the discharge and inform the resident of the right to appeal including all the required procedures, for two of three residents (R3 and R13) reviewed for transfer and discharge in a sample of 20.</p>	S9999		

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S9999	<p>Continued From page 5</p> <p>Findings include:</p> <p>1. R3 is a 73 year old resident who was admitted to the facility on 12/27/12. R3 has several medical diagnoses included Dementia, cardiovascular disease, left sided hemiplegia and chronic airway obstruction.</p> <p>The progress note dated 7/1/15 indicates (7:03pm) during care R3 was observed with light auditory wheezing. After further assessment, pronounced wheezing to left upper mid lobe. Oxygen saturation at 87%. Given as needed neb treatment. Will continue to monitor.</p> <p>The next entry at 8:29pm (same day) indicated during rounds, R3 was observed again with the wheezing. Oxygen saturation retaken, 89%. As needed neb treatment given. MD (medical doctor) called to make aware. The MD gave orders to send R3 to the hospital for further evaluation. By 9:26pm, R3 was leaving the facility via ambulance to the hospital. This is the last entry in the progress notes.</p> <p>The physician's order dated 7/2/15 indicates to discharge R3 from the facility.</p> <p>There is not documentation from Z8 (physician) or a designee indicating R3 was discharged for the sake of his welfare. There is no documentation indicating R3's needs could not be met in the facility.</p> <p>On 7/13/15 at 11:45am via telephone interview Z1 (family) stated, "the facility told the hospital not to send R3 back to the facility. I feel that the facility did not accept R3 back in retaliation against me. R3 was admitted to the hospital because he was</p>	S9999		

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S9999	<p>Continued From page 6</p> <p>not to be readmitted to the facility."</p> <p>The hospital discharge summary dated 7/13/15 indicates when contacted, the facility refused to accept R3 back. Per the facility, R3 has become too complicated and will need to be placed elsewhere. The social work progress note dated 7/2/15 indicates Z10 (social worker) spoke with Z2(ombudsman) to discuss R3's discharge back to the facility. Z2 said that R3's rights have been violated because the facility is not allowing him to return at discharge. The facility is retaliating against R3 because of Z1.</p> <p>On 7/16/15 at 4:30pm Z2 (ombudsman) stated, "the facility did not present a 30 day notice to R3 nor Z1. The facility doesn't want the resident to return due to the relationship they have with Z1. The resident's rights were clearly violated."</p> <p>E2 was not able to present evidence that a 30 day notice was given to R3 or Z1.</p> <p>On 7/22/15 during the daily status meeting, E1 and E2 were asked if the facility presented a 30 day notice to Z1. Both E1 and E2 shook their heads and stated, "no."</p> <p>On 7/23/15 at 7:00am via telephone E21 (nursing supervisor) stated, "I personally didn't receive a call from the hospital. The only person that called me was Z1. Z1 wanted to verify and confirm some info with me. That info was that Z1 was not allowed back in the building. Neither Z1 nor R3."</p> <p>2. R13 is a 62 year old resident with diagnoses including acute respiratory failure, blindness, deaf, mute and intellectual disabilities. R13 was admitted to the facility on 2/11/15.</p>	S9999		

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S9999	<p>Continued From page 7</p> <p>The nurse's note dated 6/26/15 (3:20pm) indicates R13 was observed lying in bed with co-resident (R16). Both residents were clothed and asleep. R13 was removed per staff. Z4 (psychiatrist) was made aware of incident. Z4 gave order to send R13 to the hospital for evaluation. R13 was admitted to the hospital with a diagnosis of Hypertension.</p> <p>There is no documentation from Z4 or a designee indicating R13 was discharged for any specific acute medical or psychiatric reason. There is no documentation indicating R13's needs could not be met in the facility.</p> <p>On 7/22/15 during the daily status meeting, E1 (administrator) and E2 (interim director of nurses) were present. When asked if R13 was returning, E2 stated, "No. We can't provide the care R13 needs. R13 needs monitoring all the time." E1 stated "R13 needs one to ones and someone to watch her 24/7. We couldn't care for her because of her behavior. She crawled into bed with another resident while the other resident's family was present."</p> <p>When asked if a 30 day notice was presented to Z9 (responsible party), E1 stated, "no."</p> <p>On 7/23/15 at 4:30pm via telephone Z9 stated, "after hearing from E1, he said he didn't want her (R13) there and didn't have the staff to do one to ones. I said R13 needs 24 hour care and you all provide that right? I thought R13 was sent out for an evaluation, not a psych evaluation."</p> <p>(B)</p>	S9999		
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FAC. NAME: BELHAVEN NURSING & REHAB CTR.
LIC. ID #: 0048215
DATE COMPLAINT RECEIVED: 07/02/15 08:51:00

COMPLAINT #: 0078345

IDPH Code	Allegation Summary	Determination
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104	NEGLECT	<u>2</u>
105	IMPROPER NURSING CARE	<u>1</u>
409	POLICY AND PROCEDURES	<u>1</u>

The facility has committed violations as indicated in the attached*
 No Violation

*Facilities participating in the Medicare and/or Medicaid programs will not receive a copy of the certification deficiencies as they have already received a copy through the certification program process.

Determination Codes

- 1 = VALID - A complaint allegation is considered "valid" if the Department determines that there is some credible evidence that there has been a deficiency (non-compliance with the Act or rules & regulations) relating to the complaint allegation.
- 2 = INVALID - A complaint allegation is considered "invalid" if the Department determines that there is no credible evidence that there has been a deficiency (non-compliance with the Act or rules & regulations) relating to the complaint allegation.
- 3 = UNDETERMINED - A complaint allegation is considered "undetermined" if the Department finds there is insufficient information reported to initiate or complete an investigation.

RESIDENT INJURY - Per the P&A v. Lumpkin consent decree, allegations of resident injury will always be "valid" if the resident who is the subject of the allegation was injured.

FAC. NAME: BELHAVEN NURSING & REHAB CTR.

COMPLAINT #: 0078415

LIC. ID #: 0048215

DATE COMPLAINT RECEIVED: 07/06/15 16:16:00

IDPH Code	Allegation Summary	Determination
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401	INVOLUNTARY TRANSFER	<u>1</u>

2
 The facility has committed violations as indicated in the attached*
 No Violation

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Determination Codes

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RESIDENT INJURY - Per the P&A v. Lumpkin consent decree, allegations of resident injury will always be "valid" if the resident who is the subject of the allegation was injured.

FAC. NAME: BELHAVEN NURSING & REHAB CTR.

COMPLAINT #: 0078606

LIC. ID #: 0048215

DATE COMPLAINT RECEIVED: 07/14/15 09:00:00

IDPH Code	Allegation Summary	Determination
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401	INVOLUNTARY TRANSFER	<u>1</u>

K
 The facility has committed violations as indicated in the attached*
 No Violation

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Determination Codes

- 1 = VALID - A complaint allegation is considered "valid" if the Department determines that there is some credible evidence that there has been a deficiency (non-compliance with the Act or rules & regulations) relating to the complaint allegation.
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