

Illinois Department of Public Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: IL6005227	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING: _____	(X3) DATE SURVEY COMPLETED C 07/10/2017
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NAME OF PROVIDER OR SUPPLIER LAKEVIEW REHAB & NURSING CENTER	STREET ADDRESS, CITY, STATE, ZIP CODE 735 WEST DIVERSEY CHICAGO, IL 60614
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S 000	Initial Comments Annual Certification Survey Complaint Survey: 1783152/IL94290	S 000		
S9999	Final Observations Statement of Licensure Violations: 300.610a) 300.620a) 300.1210b) 300.3240a) 300.3300a) 300.3300e)1)2)3)4)5) 300.3300g) Section 300.610 Resident Care Policies a) The facility shall have written policies and procedures, governing all services provided by the facility which 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. These policies shall be in compliance with the Act and all rules promulgated thereunder. These written policies shall be followed in operating the facility and shall be reviewed at least annually by this committee, as evidenced by written, signed and dated minutes of such a meeting. Section 300.620 Admission, Retention and Discharge Policies	S9999	<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 08/09/17
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S9999	<p>Continued From page 1</p> <p>a) All involuntary discharges and transfers shall be in accordance with Sections 3-401 through 3-423 of the Act.</p> <p>Section 300.1210 General Requirements for Nursing and Personal Care</p> <p>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. Restorative measures shall include, at a minimum, the following procedures:</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>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</p>	S9999		
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S9999	<p>Continued From page 2</p> <p>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>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> <ol style="list-style-type: none"> 1) The stated reason for the proposed transfer or discharge; (Section 3-403(a) of the Act) 2) The effective date of the proposed transfer or discharge; (Section 3-403(b) of the Act) 3) A statement in not less than 12-point type, which reads: "You have a right to appeal the facility's decision to transfer or discharge you. If you think you 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 	S9999		
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S9999	<p>Continued From page 3</p> <p>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>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 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>These Regulations were not met as evidenced by:</p> <p>Based on record reviews and interviews with resident, staff, and physician, the facility failed to meet the guidelines for transferring a resident without due cause and refused readmission back to the facility when the resident expressed the desire to return for three of five residents (R22, R23, R24) reviewed for involuntary transfer/discharge. R22 suffered mental anguish as a result.</p>	S9999		
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S9999	<p>Continued From page 4</p> <p>Findings include:</p> <p>R22 is a 59 year old resident originally admitted to the facility on 1/17/17 for long term skilled nursing care and rehabilitation and involuntarily discharged to the hospital on 5/19/17.</p> <p>R22's Physician order sheet dated 4/3/17 has diagnoses of cellulitis, pressure ulcer of right hip and buttock, tachycardia, chronic viral hepatitis, dysphagia, generalized muscle weakness, difficulty walking, age-related cataracts, and bilateral myopia.</p> <p>MDS(minimum data set) dated April 26, 2017 shows a BIMs (brief interview for mental status) at "15" for cognitively intact with no memory impairment. This same MDS assessment shows R22 with verbal behavior occurring 1 to 3 days but overall behavioral symptoms not impacting the resident, others, and that there was no rejection of care exhibited. This same assessment shows that there was a change in behavior as a "1" designating an improvement in the behavior.</p> <p>Facility progress notes dated 1/20/17 authored by E22 (former social service director) states in part, "59 year old male admitted from hospital with diagnoses of tachycardia, cellulitis of limb, pressure ulcer, right hip/buttock, stage 2 and chronic viral hepatitis. Patient is alert and oriented x3 as exhibited 14 out of 15 on BIMS assessment and has intact short and long-term memory. He has moderate difficulty hearing and speaker needs to speak louder or closer to his ear. He denies any alcoholic/substance abuse history. He is a low risk for self harmful and aggressive behaviors and is not an elopement risk."</p>	S9999		
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S9999	<p>Continued From page 5</p> <p>Facility quarterly progress note dated 5/1/17 authored by E22 (former social service director) states in part, "59 year old male resident on the facility with tachycardia, difficulty walking and chronic viral hepatitis C. (R22) remains alert and oriented x3 and does not present with any significant memory impairments. He is able to communicate verbally but does not present with any significant memory impairments. He is able to communicate verbally but does have significant hearing problems in his left ear. He currently wears hearing aids but express they are no longer helping him. He is scheduled to be assessed by the audiologist. He reports feeling a bit depressed due to his current living situation and is eager to be living out in the community again. (R22) behavior has improved since his admission, however he still can be have periods where he raises his voice if he is anger. He presented with an outburst toward social service recently because of communication misunderstanding. He is low risk for self-harmful or aggressive behaviors. He is very easy to re-direct as long as one talks with him about his frustrations. Currently, social service is working with a program to have (R22) assessed for services to promote his independence and a place to live back in the community."</p> <p>R22's care plan dated 4/26/16 shows in part, "The individual appears stable and is considered appropriate for residence in the facility; Patient had altercation with his previous roommate. He also presented with verbally aggressive symptoms toward his nurse regarding medications. Goals: The resident will comply with staff redirection and behave in a safe and respectful manner 7 of 7 days per week by 7/26/17. Approaches: Conduct an evaluation of</p>	S9999		
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S9999	<p>Continued From page 6</p> <p>the behavioral symptoms to determine what strengths or abilities and needs are communicated via the behavior (e.g., verbal abuse often communicates a need to feel in control and assertive.) Provide supportive group, 1:1 or prn intervention, 2 times per week; intervene when any inappropriate behavior is observed. Communicate that the resident is responsible for exercising control over impulses and behavior."</p> <p>On 5/19/17 per nurses notes and authored by E2(Director of Nursing), "Resident back from out on pass, approached nurse on duty yelling about a blanket missing from his room, writer attempting to assist resident. Resident became verbally aggressive with staff, yelling and using profanity. Resident got up from wheel chair and threatened to hit the housekeeper, unable to redirect resident. Resident attempting to run over housekeeper with his wheelchair, calling him names. Resident threatening to hit staff. Dr. contacted with order to send resident out due to risk of harming others. Petition filled out."</p> <p>Signed interview on 6/22/17 with E16 (Housekeeper) who was involved in the alleged incident on 5/19/17 states, "I've worked here for 2 years. I remember (R22). I didn't interact with him too much as he was not on my floor. I was making my rounds, when I came down he was loud. He was looking for his blanket so I went down to the laundry to check. When I came back up he was being loud with the PM nurse. I decided to watch and I saw him stand up and cursing the nurse. He said something like, "This is all BS and this place is BS."</p> <p>Asked if (R22) made any physical contact with him, E16, stated, "No, not at all."</p>	S9999		
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S9999	<p>Continued From page 7</p> <p>Asked if he observed (R22) making any physical contact with any resident or staff, E16 stated, "No, sir."</p> <p>Asked if he at ever saw (R22) harming himself, E16 stated, "No, I don't take care of him"</p> <p>Asked if (R22) tried to run him over with his motorized wheelchair, E16 responded, "No, he doesn't even have a motorized wheelchair just a regular one."</p> <p>Asked again to clarify if R22 tried to run him over with a wheelchair E16 replied, "No sir."</p> <p>Asked if he felt threatened at all by (R22) during that incident or any past occasions, E16 responded, "No."</p> <p>Interview with E20 (Registered Nurse) on 6/28/17 states in part, "Yes I signed that I was a witness to the incident with (R22) but I only heard him shouting and I didn't see anything going on."</p> <p>Asked why she was asked to sign the involuntary discharge as a witness, E20 responded, "I don't know sir, I just heard him shouting."</p> <p>Asked if she could speak to whether R22 was a danger to himself, staff or other residents, E20 responded, "No sir I don't know that."</p> <p>Interview on 6/22/17 at 12:10 pm with E2 (Director of Nursing), states in part, "(R22) came back from out on pass around 5 or 6 pm and later he was in front of my office, he was yelling about his blanket and stated one of his blankets is gone. He came to me a lot and I'd help him and he was comfortable with me. He even checked in</p>	S9999		
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S9999	<p>Continued From page 8</p> <p>with me first when he goes out on pass. When he came to my office this time I was trying to calm him down and he kept shouting "Who would take my blanket, where is it?"</p> <p>Asked if (R22) made any physical threats to her or other residents, E2 stated, "No, not to my knowledge."</p> <p>Asked if (R22) was a harm to himself or others, E2 stated, "Well no but I don't know what he's capable of doing and I don't feel safe with him here."</p> <p>Surveyor asked E2 whether resident rooms were supposed to be "home-like" and items in residents should be treated as their personal items, E2 responded, "Well yes of course we do that here."</p> <p>Asked what the normal reaction would be, if someone came to their home and discovered something was missing or stolen from their room, E2 responded, "Well I guess it would bother me and I might get angry."</p> <p>E2 was asked why this reaction would warrant a call to the doctor to get R22 an involuntary transfer for a psychological evaluation, E2 responded, "I felt he was a threat."</p> <p>Telephone interview on 6/22/17 at 1:00 PM with Z1 (R22's Physician) states in part, "I did receive a call from the DON regarding (R22)." Z1 stated in part, "I remember seeing (R22) at the hospital and we kept him for 4-5 days, I think he had fallen or something but I cannot recall. When I found out he was placed at that facility I was quite surprised actually because I know he can be a handful. He's not violent or anything like that and</p>	S9999		
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S9999	<p>Continued From page 9</p> <p>he's never been physical with anyone but he can be a challenge to take care of so I was surprised the facility accepted him."</p> <p>Asked if he could recall the reason the facility called him for an order to send (R22) involuntarily Z1 stated, "I believe when I spoke to "E2"(Director of Nursing) she said that he (R22) was being loud and threatening staff."</p> <p>Asked if he believed (R22) was capable of physical violence, Z1 stated, "oh no. You see (R22) is severely hard of hearing so he talks loudly and will raise his voice because he can't hear himself or others talking to him."</p> <p>Z1 was told that the E2 (DON) obtained his order for discharge claiming he was a harm to others, Z1 responded, "Well that's not correct. Like I said, he is not a violent person."</p> <p>R22's physician progress notes show documentation on 1/19/17 and 3/4/17 by the physician but does not show any behavioral issues, violent tendencies, or rationale for involuntary transfer to the hospital for emergency psychological evaluation.</p> <p>On 6/29/17 at 3:30 PM, R22 came by facility to obtain some of his personal items left at the facility. R22 was asked to come sit and speak with the surveyor to talk about the events leading to his discharge. R22 stated in part, "My stuff is still here and I came back to get them because they just kicked me out like that. I went out on pass and when I got back late in the afternoon, my blanket is gone. They actually tried to blame my roommate, can you believe it. Now my roommate can't even move on his own, in diapers, and they expect me to believe that this</p>	S9999		
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S9999	Continued From page 10 guy probably took it so I was p**** and I went over to (E2) and she just makes light of it and says well we'll try to find it. Then this big guy (E16/housekeeper) who comes out of nowhere says, He'll look for it later so that p**** me off even more. He leaves for a bit and comes back and starts hovering in the background as if I was going to do something to E2 or something. I turn around and told him, "What the heck are you looking at" and he just stands there instead of looking for my blanket. Asked if he threatened the DON, staff, or any resident, R22 states, "Of course not. You know this place has had it for me since I got here. They told me several weeks ago I don't need any more nursing so ever since that they've been trying to find any reason to get rid of me." Asked if he wanted to come back, R22 stated, "Yes of course I do. I fell and I need therapy because I still need help to walk. I can't hear so I need to see a doctor for that, I use an inhaler so I need help with that. I was so close to getting placement in an apartment, and now I can't get one because this place is making it more difficult because now I'm labeled trouble. They've just destroyed me, I'm telling you, just destroyed me. (At this point, R22 starts crying) and asks, "please you gotta help me, I'm in the streets now." Asked if he was ever provided information at any point during the transfer to the hospital or before about his rights for appeal of the involuntary transfer, R22 stated, "No, that's why I called you. They didn't give me anything, just called the paramedics and I was escorted out almost like some common criminal. I mean they're the ones that stole from me, and I'm the one kicked out?"	S9999		

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S9999	<p>Continued From page 11</p> <p>2. R23 is a 70 year old resident originally admitted to the facility on 4/15/17 and served an involuntary transfer on 6/15/17 to the hospital for a psychological evaluation.</p> <p>Per physician order sheet dated 6/1/17, R23 has diagnoses listed in part with congestive heart failure, hemiplegia and hemiparesis, hypothyroidism, hypertension and anxiety disorder.</p> <p>Per facility notes dated 6/15/17 written by E18 (Social Service Assistant) states in part, "Resident was informed she would be getting a new roommate. Resident became very adamant about not wanting a new roommate. Resident became increasingly agitated and did not allow staff to come into her room to check in on her. Nurse on duty attempted to conduct her rounds and resident became physically and verbally aggressive towards nurse. Social Service attempted to speak to resident, however resident began yelling and continue to be verbally aggressive. Nurse informed MD and he gave order to have resident sent out for psychiatrist evaluation. Ambulance arrived and resident was not being cooperative with paramedics. Nursing staff and paramedics assisted resident to stretcher due to resident not cooperating."</p> <p>Signed interview dated 6/28/17 with E10 (licensed practical nurse) states in part, "(R23) she's demanding and she needs what she needs and wants it right now. I'm not sure why she's here. She requires medication management. She was hypertensive. I float and I started work here in January. I was finishing my report to the first floor nurse and I didn't see what happened. I knew management wanted to move a fall risk resident into her room when I realized I heard screams but</p>	S9999		
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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>Continued From page 12</p> <p>didn't know what about. I don't recall what she said but it sounded very aggressive. To my knowledge, she did not hit anyone and no one told me that also. I never witnessed before her screaming in an aggressive manner before this one incident. She and I got along very well when I took care of her."</p> <p>Asked why he was named as a witness to petition for involuntary transfer for R23, E10 stated, "Well I was asked to sign that petition, well I guess I didn't really witness it just heard her."</p> <p>3. R24 is a 69 year old resident originally admitted to the facility on 8/28/15 served an involuntary transfer on 5/2/17 to the hospital for a psychological evaluation. R24 currently resides at an alternate facility offering Spanish speaking intervention therapy according to E1(administrator).</p> <p>Facility face sheet dated 4/12/17 has R24's diagnoses listed in part with dementia with behavioral disturbance, bradycardia, hypertension and major depressive disorder.</p> <p>Per nurses notes dated 5/2/17 written by E21(licensed practical nurse) states in part, "The nurse on duty observed resident standing up by dirty trays after dinner, collecting dirty utensils from the trays. Nurse on duty redirected resident. Resident became verbally aggressive towards nurse. Resident hit nurse twice and threw a cup at the nurse, staff member redirected resident to her room. MD made aware and ordered resident to send to hospital for psych evaluation. Resident son and daughter, doctor made aware."</p> <p>Signed interview with E21 on 6/28/17 states in part, "She usually is in a wheelchair, old lady,</p>	S9999		
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Illinois Department of Public Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: IL6005227	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED C 07/10/2017
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S9999	<p>Continued From page 13</p> <p>she's small, thin, frail. She was here for nursing rehabilitation. She was a long time patient. She only took medications by mouth and she eats by herself. She moves by wheelchair. She cannot walk. Her general mood is that she's annoyed. When the family is here she's happy. She had about two incidents with me. The first incident she was in the dining room doing activities and she was yelling. If someone goes to her particular spot, she will yell. Second time I was trying to redirect her and she was collecting spoons on a cart. She threw the spoons on me. She was hitting my arm. She didn't hurt me. I told the director of nursing I was okay. She does not hit herself. She did not touch any of the other residents. After social service called the doctor and they told me they are going to send her to the hospital and just told me the room in the hospital. So if any residents hits anyone, our staff will have to send patient out."</p> <p>Facility's policy dated 11/28/16 titled "Transfer and Discharge Policy and Procedure" states in part, "The facility shall permit each resident to remain in the facility unless such transfer or discharge is made in recognition of the resident's rights to receive considerate and respectful care; to receive necessary care and services and to participate in the development of the comprehensive care plan and in recognition of the rights of other residents in the facility.</p> <p>Procedure: The facility reserves the right to transfer a resident deemed acutely ill by the physician to a hospital or other facility staffed for skilled care.</p> <p>Non-emergency transfers or discharges not within the same certified facility will receive notice 30 days before or discharge. Notice will be given to</p>	S9999		
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Illinois Department of Public Health

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S9999	<p>Continued From page 14</p> <p>the resident/responsible party.</p> <p>The written notice will include the following: A statement that the resident has the right to appeal the action to State Department of Health including a current phone number of the department; the name, address and telephone number of the State Long Term Care Ombudsman; A statement that, if the resident may appeal the transfer or discharge to the Department of Heath within 10 days of being notified of transfer/discharge.</p> <p>The resident may remain in the facility pending an appeal determination or 30 days if the department agrees that the transfer is appropriate.</p> <p>The resident may be transferred from the facility when it's been determined that: the transfer or discharge is necessary for the resident's welfare and the resident's needs cannot be met in the facility; The resident being at the facility endangers the safety of self or other individuals in the facility."</p> <p>(B)</p>	S9999		
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