

Illinois Department of Public Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>IL6005920</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>C</b> <b>06/09/2021</b>
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NAME OF PROVIDER OR SUPPLIER  <b>HERITAGE HEALTH-EL PASO</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>555 EAST CLAY EL PASO, IL 61738</b>
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S 000	Initial Comments	S 000		
S9999	<p>Facility Reported Incident Investigation to Incident of 5/16/21, IL134159</p> <p>Final Observations</p> <p>Statement of Licensure Findings: 300.610a) 300.3240a)</p> <p>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.</p> <p>Section 300.3240 Abuse and Neglect a) An owner, licensee, administrator, employee or agent of a facility shall not abuse or neglect a resident. (A, B) (Section 2-107 of the Act)</p> <p>These requirements are not met as evidenced by:</p> <p>Based on interview and record review, the facility failed to ensure a resident was free from sexual abuse for one resident (R1) of three residents reviewed for abuse in the sample of three. This failure resulted in R1 being sexually abused on</p>	S9999	<p style="text-align: center;"><b>Attachment A</b> <b>Statement of Licensure Violations</b></p>	

Illinois Department of Public Health

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

Electronically Signed

TITLE

(X6) DATE

07/02/21

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S9999	<p>Continued From page 1</p> <p>5/16/21 by V3 (Certified Nursing Assistant).</p> <p>Findings include:</p> <p>The facility's "Abuse Prohibition" policy, revised 3/15/18, states, "1. All residents have the right to be free from verbal, sexual, physical, mental abuse, corporal punishment, involuntary seclusion, neglect, misappropriation of property, exploitation. 2. All residents have their right to personal privacy of not only their own physical body; but also of their personal space, including personal care, and living accommodations. Definitions: 14. Sexual Abuse is non-consensual sexual contact of any type which includes, but is not limited to, sexual harassment, sexual coercion, or sexual assault. Sexual coercion shall include any intentional or knowingly touching or fondling a non-consenting resident's sex organs, anus, or breast either directly or through clothing for the purpose of sexual gratification or arousal of the accused. Sexual assault means sexual penetration."</p> <p>R1's Quarterly Minimum Data Set (MDS) dated 2/23/21, documents R1 to be cognitively intact without any memory impairments.</p> <p>On 5/25/21 at 10:38 A.M., R1 stated, "In the morning of Sunday, 5/16/21, I was in the bathroom, when (V3/Certified Nursing Assistant) came in and asked me if I had any lotion. I said I might have some in the top drawer of my dresser. (V3) went out and came back and walked back into the bathroom, closed the door and applied lotion directly on my penis. (V3) started rubbing me (on my penis). I looked down and noticed his mouth on me (R1's penis). (V3) was really working on it. I didn't say anything because it felt so good, but I knew it wasn't right." R1 verified it</p>	S9999		

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S9999	<p>Continued From page 2</p> <p>was just V3 and R1 in the bathroom. R1 stated, "(V3) then asked me if I'd like to go back to bed and I said I would. Before that, (V3) helped get me dressed in the bathroom. (V3) put a blue (incontinence brief) on me. (V3) also put blue jeans and a T-shirt on me. We walked from the bathroom to the bed, (V3) then pulled the covers back and let me lay down. (V3) pulled my jeans down to here (pointing to the middle of R1's thigh), (V3) opened my diaper and then (V3) started working on me. (V3) was rubbing my penis with (V3's) hand, (V3) was standing on the floor on the left side of my bed. (V3) was using (V3's) mouth and hand on my penis, but mostly the mouth. I ejaculated into his mouth." R1 denied that V3 said anything after the incident. R1 stated V3 helped R1 get dressed and that R1 stayed in the bed afterwards. R1 stated R2 (R1's roommate) was in the room during the incident but denied that R2 was able to see or hear anything. R1 denied asking for V3 to perform any sexual acts on R1. R1 stated, "(V3) just walked into the bathroom and started touching me, I have never seen (V3) before this day." R1 described V3 as a "tall, slender, black male with facial hair." R1 also stated, "(V3) was wearing dark scrubs and a pair of gray tennis shoes with a woven pattern to it and a pink check mark on the sides." R1 stated V3 had "a days worth of (facial hair) growth on the side of (V3's) face. He was otherwise very clean cut."</p> <p>On 5/25/21 at 10:33 A.M. R2 (R1's roommate) verified last Sunday, May 16 in the morning, V3 (Certified Nursing Assistant) was with R1 near R1's bed with the curtain pulled.</p> <p>On 5/25/21 at 12:18 P.M., V8 (Registered Nurse) verified that on 5/16/21, V8 was passing morning medications in R1's hallway. V8 verified seeing</p>	S9999		

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S9999	<p>Continued From page 3</p> <p>V3 (CNA) enter R1's room on 5/16/21 around 8:00 A.M.</p> <p>On 5/25/21 at 1:00 P.M., V11 (CNA) stated, "(On 5/16/21), I had a split room assignment with (V3). (V3) had (R2) and I had (R1). I went to (R1's) room to get him dressed for the day and (V3) was already in there with (R1). The door was open but the curtain was pulled. I didn't see anything, but (V3) had said from the other side of the curtain, that (R2) didn't want to get up, so (V3) was helping (R1) instead. At the time I didn't think anything of it, but this happened in the morning the same day and around the same time (R1) said the incident occurred."</p> <p>On 5/25/21 at 11:40 A.M., V7 (CNA) stated, "I was working on 5/17/21. I was getting (R1) ready in the morning and (R1) said (R1) had something to tell me, but (R1) wasn't sure if (R1) should tell me or not. I assured (R1) it was ok to tell me anything and then (R1) proceeded to tell me how yesterday morning (5/16/21), (V3) asked (R1) for lotion and put it on (R1's) private area and used his mouth on him. (R1) said he did not stop (V3) but (R1) did not know why (V3) was doing this to (R1)." V7 also stated that R1 described the alleged perpetrator as a "tall black man wearing gray shoes with a pink logo on the side." V7 stated that V7 immediately notified V1 (Administrator) about the allegation.</p> <p>On 5/25/21 at 9:33 A.M., V1 stated, "On 5/17/21, V7 and V13 (CNA) made V2 (Director of Nursing) and myself aware of (R1's) allegations. We went and spoke with (R1) right away. (R1) stated (R1) was on the toilet when a black, male CNA came into (R1's) bathroom, asked for lotion, and started touching (R1's) penis with (V3's) hand. (R1) really liked how it felt, so (R1) did not stop (V3). (R1)</p>	S9999		

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S9999	<p>Continued From page 4</p> <p>stated (V3) assisted (R1) to the bed and continued to use (V3's) hands and mouth on (R1's) penis." V1 stated R1 is a "fully cognitive young man." V1 stated R1 identified V3 as the CNA who inappropriately touched R1.</p> <p>On 5/27/21 at 12:38 P.M., V14 (R1's Friend) stated, "Last Sunday (5/16/21), me and my dog picked (R1) up and went up to (local park and lake). (R1) said to me, 'I gotta (have to) tell you something.' I could tell (R1) was disturbed. (R1) told me that a male 'nurse' said he wanted lotion and then started rubbing (R1's) privates. (R1) also told me (V3) put his mouth on (R1's) genitals. (R1) was bothered by it and (R1) wanted to make sure it didn't happen to anyone else in the facility. (R1) told me (V1) was aware of the incident the next day (5/17/21). (R1) told me (R1) was very embarrassed by (the incident) and wanted to make sure (R1's) family did not know about it."</p> <p>The facility's Final Report to the local State agency, dated 5/22/21, states, "Conclusion: As a result of the investigation the following conclusion was formed. On 5/17, (R1) reported to CNAs (V13 and V7) that a tall black male CNA had entered (R1's) room during the morning of Sunday, 5/16/21. (R1) stated that he was in the bathroom around 9:00 A.M. when this male CNA entered and asked (R1) where he kept his lotion. This male CNA then began to touch (R1's) genitals with the lotion and his hand. (R1) stated he did not think much of it until he looked down and noticed that this male CNAs mouth was around (R1's) penis while (R1) was on the toilet. (R1) stated that he chose not to stop this male CNA because he liked the way it felt. (R1) stated that this male CNA helped him transfer to his bed where they consensually continued. (R1) stated</p>	S9999		
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S9999	<p>Continued From page 5</p> <p>that this male CNA was wearing gray (brand) shoes with a pinkish/red logo on them. The police were then notified, and (R1) was offered to go to the hospital, to which he declined. (R1) stated that roommate (R2) was present in the room during this encounter. From the investigation, it was learned that there were two tall black male CNAs working around this 9:00 A.M. time. Both CNAs were interviewed by the police and (V1) and both denied the allegation. (V1) confirmed during an in-person interview that (V3) was wearing gray tennis shoes with a red logo on them. In both a phone interview and a police interview, (V3) confirmed that (V3) had helped (R1) from the restroom to his bed around 9:00 A.M. on 5/16/21 but denied the allegation. (R2) did confirm that there was a male CNA in his room around 9:00 A.M. that helped his roommate. (V3) is not allowed in the facility and (V3's) agency was updated with the above investigation."</p> <p>Phone calls were made to V3 (Certified Nursing Assistant/CNA) with messages left. No returned calls received</p> <p>(A)</p>	S9999		