

Illinois Department of Public Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: IL6014617	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED C 08/03/2022
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NAME OF PROVIDER OR SUPPLIER APERION CARE INTERNATIONAL	STREET ADDRESS, CITY, STATE, ZIP CODE 4815 SOUTH WESTERN AVE CHICAGO, IL 60609
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S 000	Initial Comments Complaint 2285831/IL149409	S 000		
S9999	Final Observations Statement of Licensure Violations: 300.610a) 300.1210b) 300.3240a) 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 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	S9999	Attachment A Statement of Licensure Violations	

Illinois Department of Public Health
LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE

(X6) DATE

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S9999	<p>Continued From page 1 care needs of the resident.</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>These requirements are not met as evidenced by:</p> <p>Based on observations, interviews, and records review the facility failed to follow thier abuse policy for 1 resident (R60) being free from physical abuse by 1 resident (R102) out of 3 residents reviewed for abuse. R102 hit R60 on the head. The facility also failed to ensure 1 resident (R53) was free from verbal abuse by V5 (Certified Nursing Assistant). These failures resulted in R60 verbalizing feeling scared and unsafe due to physical assault by R102; and R53 verbalizing feeling scared of staff treating her badly and staff retaliation.</p> <p>Findings include:</p> <p>R60 is a 59 years old, observed with bilateral below the knee amputation. Per R60's minimum data set assessment dated 5/18/2022 on brief interview on mental status (BIMS). R60 scored 12, that means his (R60) cognition was borderline between no impairment to moderate impairment. Due to bilateral leg amputation R60 uses his wheelchair for locomotion and does not ambulate.</p> <p>R102 is 72 years old, with medical diagnosis of violent behavior. Per R102 minimum data set dated 6/25/2022, R102 on brief interview of mental status (BIMS) scored 10; which means moderate impairment in his cognition.</p>	S9999		
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S9999	<p>Continued From page 2</p> <p>On 07/31/2022 at 11:22 AM, R60 was seen in a wheelchair, with bilateral below the knee amputation (BKA). R60 was using his wheelchair to wheel himself from Nurse's Station to the Dining Room. R60 asked for help since he cannot move fast wheeling himself. R60 was alert and able to express his thoughts well. R60 said, "He (R102) punched me on the ear (pointing at his right ear). I don't know why he did that. It was that hallway (pointing at the hallway outside of the dining room where we passed by.) He (R102) was aggressive to me before, verbally aggressive, shouting at me. After he (R102) punched me, I just went to the office and told the Social Worker. I don't remember the name of the Social Worker. I think R102 went to the hospital after he punched me. They took him out and sent him to the hospital. I don't know where he is right now. But after he (R102) punched me, I feel scared because as I said he (R102) was verbally aggressive towards me. He(R102) also goes to my room even if I don't want him to. R102 was always in my room. I said, "What are you doing in my room? But R102 just ignored me. Also, I told him that I don't like him to go inside my room, but he always goes inside my room. I told staff about it, Social Worker, and nurses. Nobody followed up after the incident. Nobody talked to me, I guess they don't care. My wife came and visited after the incident. She is in another facility. She told me why did I not fight back? I told her that I will be in trouble if I fight back. Staff here, they don't do nothing about it."</p> <p>On 07/31/2022 at 12:12 PM. R102 was seen laying on his bed. R102 was alert and able to express his thoughts within topic. R102 said, "Yes, I know R60. The man with no legs? Right? I tapped him at the back of his head. I was going to lunch, and he was in my way. He (R60) did not</p>	S9999			

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S9999	<p>Continued From page 3</p> <p>move so I tapped him on his head. I asked him 3 to 4 times to move. Yeah, I always go in his room. Sometimes he is there, sometimes he is not. I like to check on him and to see what he was doing. I can walk but I used that wheelchair (pointing at the wheelchair on the wall fronting the foot of the other bed). It was the nurse who made a big deal about it."</p> <p>On 08/01/2022 at 10:36 AM. V6 (Assistant Administrator) stated that there could have been additional issues between R60 and R102. We may not know if there was verbal aggression or an issue between them (R60 and R102) before the incident. V6 further stated that R60 has a history of being dishonest. But a resident smacking the head of another resident is considered as abuse. After R102 hit the head of R60, R60 did not retaliate to R102. V6 said, "I am not saying that I based my investigation on R60 being dishonest on the past but if someone hit my face, I will feel bad. Yes, it is abuse to hit any person on the head."</p> <p>On 08/01/2022 at 11:10 AM, V17 (Social Service Director) stated that R60 was pushed by R102. And R60 is a doubtful character. V17 was asked if she read the investigation report done by facility, that it was described as a smack not a push on the head of R60. V17 did not answer the question but stated, "If someone smacked me on the head. I will consider it as abuse. Any person smacked another person on the head is considered abuse."</p> <p>On 08/01/2022 at 11:38 AM, V4 (Registered Nurse) stated that she directly witnessed the incident that happened. V4 said, "While I was preparing medication to give to R60 near the Nurse's Station. He (R60) was on my side.</p>	S9999		
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S9999	<p>Continued From page 4</p> <p>Suddenly, R102 came near R60 and yelled, 'Move out of my way!' I told R102 that you don't talk to people that way. Then R102 without warning slapped R60, hitting on the side of his face (pointing to her right ear). His (R102) hands were open. Then I told R102 you don't treat people like that. R102 did not give us a chance to move. I consider slapping the head abuse. I would really feel bad if someone slapped me on the face."</p> <p>Facility Resident Abuse Investigation Form documents the following:</p> <p>Under Summary of Interview with the person reporting the incident. V4 was giving medication to R60 near nurse's station close to the dining room. R102 came down in the hallway in his wheelchair and said, "Get out of the way! R102 began to argue with me (V4) and smacked R60 on the side of his head hitting his ear. We separated the residents immediately, called Social Services, and reported the incident to Administration."</p> <p>Under Summary of Interview with the witnesses: V16 (Licensed Practical Nurse) was working at the nurse's station at the time the incident took place. "I saw R60 talking to the nurse (V4). R102 was yelling at him, telling him to get out of his way. Then I heard him smacked to the side of his head. I heard the nurse (V4) tell him not to act like that. The residents were separated right away."</p> <p>Progress notes by V3 (Registered Nurse) dated 7/19/2022 documents: She (V3) was passing medications when other staff nurse informed her that resident hit the other resident on the head and telling to move out of</p>	S9999		

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S9999	<p>Continued From page 5</p> <p>the way in the dining room. She (V3) asked R102 what happened. And he (R102) stated "I did not hit him." But R102 showed her how he struck resident's (R60's) head.</p> <p>Progress notes by V7 (Social Service) dated 7/19/2022 documents: She (V7) made aware by staff R102 being physically aggressive towards other residents. Social Services along with nurses met with R102 regarding behavior. R102 stated, "I did not hit him, I just tapped him on the side of the head lightly so he could move." R102 was educated regarding safety and keeping hands to himself. However, resident found it to be funny and stated it was not that serious. R102 also being racist towards staff calling them racial slurs and taunting resident calling them a "cry baby."</p> <p>Progress notes by V28 (Wound Nurse) dated 1/3/2022 documents: That R102 had argument with roommate today and started to fight each other. On 08/01/2022 at 02:50 PM. V28 (Registered Nurse) confirmed that R102 has a fight with another resident who was his roommate. But unable to recall the name of R102's roommate. V28 stated that he did not witness physical contact but seen residents attempted to make physical contact. V28 further stated that R102 stopped his roommate to get out of the room that made his roommate upset.</p> <p>R102 most recent complete care plan documents that R102 has history of criminal behavior.</p> <p>R60 most recent complete care plan documents that R60 has limited physical mobility related to general weakness.</p> <p>Both R60 and R102 Care Plans does not include</p>	S9999		

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S9999	<p>Continued From page 6</p> <p>abuse as an identified problem.</p> <p>R53 is 87 years old, with medical diagnosis that includes hemiplegia and hemiparesis following cerebral infarction affecting right dominant side. Per R53 minimum data set assessment dated 5/13/2022 on brief interview on mental status (BIMS), R53 scored 12; that means his (R53) cognition was borderline between no impairment to moderate impairment. R53 uses a wheelchair as her mobility device.</p> <p>On 07/31/22 10:42 AM. R53 was seen inside her room, sitting on her wheelchair. R53 does not speak english during conversation and was seen calm and pleasant during encounter.</p> <p>On 08/01/2022 at 10:36 AM, V6 (Assistant Administrator) stated that it was during a phone conversation between R53 and her daughter (V40) trying to translate to V5 (Certified Nursing Assistant). It was a miss communication since V5 does not know how to speak Spanish and R53 was saying no, no, no because the diaper was not the right size.</p> <p>On 08/02/2022 at 09:52 AM. V5 (Certified Nursing Assistant) stated, "It was Friday 3-11 shift. R53 was ready to go to bed. During that time, we could not communicate. So R53 became upset and kept saying, daughter, daughter, daughter. So, I asked R53 to call her daughter. When I spoke to her daughter (V40) she asked, "Do you have problem with my mom?" I asked V37 (Certified Nursing Assistant) to help. During the time, R53 and V40 was speaking on the phone. I think V40 overheard me talking to R53's roommate, telling that roommate give me a minute I will change you. I think my response was normal and R53 was more aggressive towards</p>	S9999		
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S9999	<p>Continued From page 7</p> <p>me. A lot of stuff was going over my head during that time and I don't know what I said. When I spoke to V40 I think she was upset, because she sounds upset. That is only my interpretation. I was called by supervisor and was sent home around 10-10:30 PM. She said I am being cruel, rough and treating resident not appropriate. I forgot the name of the Supervisor.</p> <p>On 08/02/2022 at 11:50 AM. V37 (Certified Nursing Assistant) stated, "Yes, the statement on the report was true. When I walked into the room, V5 was loud or using a firm tone to R53. Yes, I would say, it similar or the same as screaming or yelling. I cannot remember the exact words V5 was screaming to R53."</p> <p>On 08/02/2022 at 12:03 PM V40 (R53's Daughter) stated that her mother (R53) told her during phone conversation, every time V5 takes care with her mom, she (V5) yells at her. During transferring from wheelchair to bed, R53 gave her hand to V5. Then V5 yelled at my mom (R53) saying, "Don't touch me! Don't touch me! I don't speak Spanish. You don't have to touch me!" V40 further stated, "When I spoke to V5, I told her that why you (V5) need a translator; not to yell at her or me..You are there to help them. There was a time that my mom (R53) told me that she was left without a gown the whole night. I told my mom to report it to Administration; and my mom told me that she was afraid that staff will treat her bad or some kind of retaliation. My mom (R53) told me that there are no staff that speak Spanish at night. While I was talking to my mom over the phone. I overheard V5 yelling at my mom's roommate. I cannot remember exact words. I told V5 that if she cannot understand Spanish it would help to have a translator; and that residents need to be taken care because they are dependent</p>	S9999		
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S9999	<p>Continued From page 8 with her help."</p> <p>Facility Resident Abuse Investigation Form dated 7/22/2022 documents the following:</p> <p>Summary of Interview with the person reporting the incident: V39 (Licensed Practical Nurse/LPN) stated, "R53 was on her cellphone with her daughter (V40) at the time of incident. V5(CNA) had difficulty understanding the resident because she does not speak Spanish. V5 asked the resident (R53) to contact her daughter (V40) to translate to her. V5 became frustrated and stated to R53's daughter, I do not speak Spanish and raised her voice. I asked another CNA (V37) to come into the room and assist R53 because V37 spoke Spanish and R53 was more comfortable with V37. I told V5 that it is unacceptable to speak to a resident that way."</p> <p>08/02/2022 at 11:57 AM, V39 (LPN) confirmed her statement on record but stated that she cannot remember what V5 said to R53 when she stated, "It is unacceptable to speak to a resident that way."</p> <p>Facility's Resident Abuse Investigation Form documents: V37 stated, "When I walked into the room, V5 (CNA) was yelling at the resident (R53) and using the wrong size diaper on her (R53). The resident (R53) told me in Spanish that she was being too rough with her and didn't want to help her move her leg when she was trying to get into bed. I have worked with R53 before and never had any behaviors or complaints from her at all." This was confirmed by V37 during interview.</p> <p>Facility's Resident Abuse Investigation Form</p>	S9999		
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S9999	<p>Continued From page 9</p> <p>documents: V5 (Certified Nursing Assistant) during interview with V6 (Assistant Administrator) stated, "I went into her room to get ready for bed, I changed her diaper and followed her lead. I couldn't understand what she said because I do not speak Spanish. I think she was irritated with me because she kept saying, "No, no, no." I asked her to call her daughter (V40) to translate for me. I told her that I did not speak Spanish and I was telling R53 that she is capable of helping me transfer her to bed. I have only worked with this resident (R53) one other time and did not have a problem. She (R53) didn't want to help me. The resident's daughter (V40) became upset and asked me if I was having a problem with her mom. I am not sure what went wrong. The nurse came into the room with V37 (Certified Nursing Assistant), V37 ended up getting R53 ready for bed."</p> <p>Facility's Resident Abuse Investigation Form documents: R53 was interviewed with a translator. R53 stated, "V5 was mean to me. She (V5) kept telling me that I can transfer on my own. She (V5) didn't want to help me. I told her that I only speak Spanish and that is why we called my daughter (V40). I kept saying no, no, no because she put the wrong size diaper on me. V5 told me not to touch her hand and was putting me to bed too late. I told V5 I cannot move, and I need help. She (V5) told me that I don't speak Spanish and had an attitude with me. The other Certified Nursing Assistant (V37) knows how to take care of me the right way. My daughter (V40) heard her (V5) yelling at me when I was on the phone with her (V40)."</p> <p>Facility Abuse Prevention Policy not dated in part reads: This facility affirms the right of our residents to be</p>	S9999		
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S9999	<p>Continued From page 10</p> <p>free from abuse, neglect, misappropriation of resident property, corporal punishment, and involuntary seclusion. This facility therefore prohibits mistreatment, neglect, or abuse of its residents, and has attempted to establish a resident sensitive and resident 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 mistreatment, neglect, or abuse of our residents.</p> <p>This facility is committed to protecting our residents from abuse by anyone including, but not limited to, facility staff, other residents, consultants, volunteers, staff from other agencies providing services to the individuals, family members or legal guardians, friends, or any other individuals. This facility will not knowingly employ individuals who have been convicted of abusing, neglecting, or mistreating individuals.</p> <p>Abuse means any physical or mental injury or sexual assault inflicted upon a resident other than by accidental means in a facility. Abuse is a willful infliction of injury, unreasonable confinement, intimidation, or punishment with resulting physical harm, pain, or mental anguish. This also includes the deprivation by an individual, including a caretaker, of goods or services that are necessary to attain and/or maintain physical, mental, and psychosocial well-being. This assumes that all instances of abuse of residents, even those in a coma, cause physical harm or pain or anguish.</p> <p>Physical Abuse includes hitting, slapping, pinching, kicking, and controlling behavior through corporal punishment.</p> <p>Verbal Abuse is the use of oral, written, or</p>	S9999		

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S9999	Continued From page 11 gestured language that willfully includes disparaging and derogatory terms to residents or family members, or within their hearing distance, regardless of their age, ability to comprehend, or disability. (B)	S9999		
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