

Illinois Department of Public Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>IL6004352</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>C</b> <b>01/25/2024</b>
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NAME OF PROVIDER OR SUPPLIER  <b>HICKORY VLG NRSG &amp; RHB</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>9246 SOUTH ROBERTS ROAD HICKORY HILLS, IL 60457</b>
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S 000	Initial Comments  Complaint 2490262/IL168597	S 000		
S9999	Final Observations  Statement of Licensure Violations:  300.610a) 300.1210b 300.3210t)  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		

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

TITLE

(X6) DATE  
02/14/24

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S9999	<p>Continued From page 1</p> <p>care needs of the resident.</p> <p>Section 300.3210 General</p> <p>t) The facility shall ensure that residents are not subjected to physical, verbal, sexual or psychological abuse, neglect, exploitation, or misappropriation of property.</p> <p>These requirements are not met as evidenced by:</p> <p>Based on interview and record review, the facility failed to follow their abuse policy by not protecting /preventing a vulnerable resident from being sexually assaulted by another resident. This affected two of four residents (R1, R2) reviewed for sexual abuse. This failure resulted in R2 entering R1's room approximately 3 hours after being admitted to the facility and sexually assaulting R1 after R1 said no to sex.</p> <p>Findings Include:</p> <p>R1 is a 28 year old with the following diagnosis: bipolar disorder, depression, and seizures.</p> <p>R2 is a 29 year old with the following diagnosis: bipolar disorder and schizophrenia.</p> <p>R3 is a 77 year old with the following diagnosis: major depressive disorder and schizoaffective disorder.</p> <p>A Social Service note dated 1/8/24 document social services was made aware the R1 reported another resident was being sexually inappropriate to R1.</p> <p>A Nursing note dated 1/8/24 documents R1 stated R1 was inappropriately touched by a peer.</p>	S9999		

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S9999	<p>Continued From page 2</p> <p>The Police Report dated 1/8/24 documents officers responded to the facility for a criminal sexual assault allegation at 3:38 PM. The police were met by V1 (Administrator) and advised R1 approached V1 and said R2 inappropriately touched R1. R1 was met in private and relayed the following information: R1 was sleeping in R1's room at approximately 2 PM. R1 noticed R2 enter R1's room, and R2 started talking with R1. R2 then proceeded to try to have sex with R1. R1 reported telling R2 to stop but R2 continued to take off R1's pants. R1 stated R2 placed R2's penis inside of R1's vagina without a condom. R1 advised R2 was trying to place R2's mouth on R1's nipples and was touching R1's buttocks saying, "You are my girl." V1 was then interviewed. V1 advised R3 witnessed the event. R1 and R3 are roommates. Officers then spoke with R3 who stated that R3 was walking into R3's room and observed R1 lying on the bed with R1's pants completely off. R3 said R1 still had a shirt on. R3 observed R2 sitting on the edge of the bed and both residents were making out. R3 reported R2 saw R3 then yelled, "Hey," as to get R3's attention to leave. R3 reported R1 and R2 exited the room shortly after and walked in opposite directions. R3 assisted the officers in identifying R2. R2 was taken to the police department for further investigation. R2 was interviewed at approximately 5:15 PM. R2 stated the following: R2 had just arrived at the facility for the first time on this day. R2 met R1 by walking into R1's room looking for a cigarette. R2 asked R1 if R2 could lay on the bed with R1 and R1 stated "yes." R2 was laying with R1, and R2 put R1 on top of R2. R2 then asked R1 to be R2's girlfriend. R2 said they both stated loved each other, and then R2 asked R1 to remove R1's shirt and R1 did. R2 reported then proceeding to lick R1's breast. R2</p>	S9999		

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S9999	<p>Continued From page 3</p> <p>then asked R1 to take R1's pants off twice, and both times R1 said "no." R2 then asked R1 a third time and R1 agreed. R2 stated they were kissing, and R2 was grabbing R1's butt so it was "OK" to take R1's pants off. R2 also described placing R2's fingers inside R1's vagina for 10 to 15 minutes. R2 reported that R2 didn't think R1 knew what was going on. R2 reported R1 told R2 that R2 could "put it in," and R2 tried, but R2 could not get an erection. R2 said hey were trying to have sex, but R2 was just rubbing R2's penis on R1's butt. R2 saw R3 then walked in the room and ended it all.</p> <p>The Ambulance Run Sheet dated 1/8/24 documents the fire department was called to the facility for a report of a sexual assault victim. R1 stated "I was in my room sleeping when a male came in and did the sex to me. I asked him to stop, and he would not." R1 was transported to the hospital via request of the police department.</p> <p>The Hospital Records dated 1/8/24 documents R1 presented to the emergency department for a concern of an alleged sexual assault that happened at the extended care facility. A speculum exam was performed, and no evidence of injury was noted. The sexual assault kit was handed over to the police department. The Medical Forensic Documentation Forms document R1 was penetrated in the vagina and the anus by R2's penis as well as finger.</p> <p>On 1/10/24 at 8:50AM, V2 (Detective) said the police were called to the facility for a female resident (R1) that was sexually assaulted by a male resident (R2). V2 reported while interviewing R1, R1 said R2 came into R1's room and started talking to R1. V2 said R2 then attempted to have sex with R1 and R1 told R2 to stop, but R2</p>	S9999		

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S9999	<p>Continued From page 4</p> <p>continued. V2 said R3 came into the room R1 and R3 share and R3 saw R1 on the bed without pants. V2 reported R3 was able to identify R2 and R2 was detained. V2 said R2 was interviewed at the police station. V2 said during R2's interview, R2 reported asking R1 to take R1's pants off twice and R1 said "no." V2 said R2 admitted to asking R1 a third time and R1 agreed. V2 stated R2 reported R1 "seemed like she did not know what was going on" when they were about to have sex.</p> <p>On 1/10/24 at 12:05PM, R1 said there was an incident with a male resident that came into R1's room and "raped" R1 "a couple days ago." R1's mental status was assessed and R1 was able to state R1's name and birth date, the location, and date. R1 said on the day of the incident, R1 was lying in R1's bed trying to take a nap when R2 entered R1's room. R1 said R2 began asking R1 questions such as R1's name, if R1 had a cigarette for R2, and if R2 could sit on R1's bed with R1. R1 stated R1 felt "scared" of R2 and didn't respond. R1 reported R2 then just sat on R1's bed and began pulling R1's pants and underwear off. R1 said R2 then placed "two or three fingers" inside R1's vagina and "moved them around." R1 said R2 then laid on the bed and put R1 on top of R2. R1 said that is when R2 put R2's penis inside of R1. R1 reported R2 lifted R1's shirt and bra and began to suck on R1's breasts. R1 said at this point R1 told R2 to "stop," but R2 replied "You are my girl now. I will buy you stuff." R1 reported R2 did not stop penetrating R1 or kissing R1 when R1 said stop. R1 said R3 then walked in the room and R1 lied down in the bed. R1 said R2 left about five minutes after R3 came into the room. R1 reported then leaving R1's room and walking to the front office. R1 said R1 first saw V3 (Admissions) and began to tell V3</p>	S9999		

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S9999	<p>Continued From page 5</p> <p>what happened. R1 said V3 brought R1 directly into V1's (Administrator) office, and R1 told V1 what happened with R2. R1 endorsed the police were called, and R1 spoke with the police before leaving for the hospital. R1 said R1 went to the hospital "to be tested" and so the hospital "could do a rape kit." R1 said when R2 came in R1's room that was R1's first time meeting or speaking with R2. R1 denied R2 wearing a condom. R1 said R1 felt safe in the facility. R1 said R1 "was raped about a year ago" in this facility by another male resident that no longer resided here. R1 stated, "I feel embarrassed this keeps happening to me. Why me?" R1 denied having sexual relations with anyone else in the facility. When asked to define consent, R1 was not able and when asked what does it mean to give permission for something to happen, R1 again was unable to state what that meant. R1 reported R1 had a meeting with V8 (Social Service Director) yesterday and discussed what is sexual abuse, saying "no" when R1 does not want to do something, and to tell V1 about any abuse. R1 said R1 did not scream for staff help or tell R2 "no" again because R1 felt "uncomfortable" and was "afraid to keeping saying no." R1 denied the facility starting any new plans to keep R1 safe from this happening again.</p> <p>On 1/10/24 at 12:33PM, R3 said R3 entered R3's room and walked to R3's bed (R3's bed is the bed furthest from the doorway) and saw R1 and "a man" in R1's bed. R3 denied knowing who "the man" was in R1's bed at the time but later found out "the man" was R2 and newly admitted. R3 reported "the man's" voice said "Hey!" and "Yo!" when R3 first walked into the room. R3 said R3 felt like R2 was "warning" R1 that someone else was in the room with them. R3 said R1 was "completely naked from the waist down." R3 said</p>	S9999		

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S9999	<p>Continued From page 6</p> <p>R1 was lying on the bed and R2 was sitting on the bed. R3 reported lying down in R3's bed and tried to take a nap but heard R2 state, "You like that?" to R1. R3 denied R1 responding to R2's question. R3 said after about 15 minutes R3 heard R1 and R2 leave the room. R3 said the police then arrived to the facility and asked R3 to identify R2. R3 reported pointing out R2 to the police and R2 was taken out of the facility. R3 denied the facility having any special monitoring for newly admitted residents.</p> <p>On 1/10/24 at 1:20PM, V3 (Admissions) said V3 was exiting the front office when V3 saw R1. V3 said R1 whispered to V3 that R2 started kissing on R1 in R1's room and then R1 began to cry. V3 reported immediately bringing R1 into V1's office and heard R1 tell V1 that R2 began kissing R1 and sucking on R1's breasts.</p> <p>On 1/10/24 at 1:37PM, V4 (CNA) said R2 was a new resident admitted to the facility on 1/8/24. V4 spoke of seeing R2 walking up and down the halls after being admitted. V4 reported R2 began talking to V4 while V4 was walking down the hall and tried to follow V4 into another resident's room. V4 said V4 had to tell R2 not to enter the other resident's room and R2 complied. V4 denied telling any other staff R2 attempted to enter another resident room. V4 said the facility monitors new admission residents every two hours just like all other residents. V4 said this incident would be considered sexual abuse because R1 did not want R2 touching R1.</p> <p>On 1/10/24 at 1:48PM, V5 (CNA) said V5 knew R2 was a new resident but wasn't aware of any special monitoring R2 needed. V5 denied the facility monitoring newly admitted residents unless the hospital says to watch for special</p>	S9999		

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S9999	<p>Continued From page 7</p> <p>behaviors. V5 reported hearing that R2 physically touched R1 but was not sure of the exact details. V5 said R1 did have a report of a similar episode of being sexually assaulted by another male resident in the past. V5 denied having any interventions in place for R1 to help prevent unwanted touching. V5 said the incident with R2 would be considered sexual abuse.</p> <p>On 1/10/24 at 2:06PM, V6 (Nurse) said R2 did not require any increased monitoring as a new admission. V6 said after the admission process is complete a resident is allowed to walk around the facility as they please. V6 admitted to seeing R2 walking up and down the halls but did not see R2 at all times. V6 said V6 was unaware of what happened between R1 and R2 until the police arrived. V6 admitted being aware R1 had another incident of reporting being raped in the past at the facility. V6 denied being aware of any interventions were put into place after the first allegation. V6 said this is sexually inappropriate behavior and would be considered abuse.</p> <p>On 1/10/24 at 2:32PM, V7 (CNA) said the admission process includes taking inventory of belongings and orienting the resident to the facility but after those are complete then the resident can walk freely in the facility. V7 denied newly admitted residents having increased monitoring. V7 reported being aware there was an allegation of R2 touching R1 inappropriately. V7 reported R2 was being monitored just like all other residents. V7 said this incident would be considered sexual abuse. V7 is unaware of any interventions that have been put into place for keeping R1 safe.</p> <p>On 1/10/24 at 2:58PM, V8 (Social Service Director) said R2 was admitted by the nursing</p>	S9999		



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S9999	<p>Continued From page 8</p> <p>staff and then social service went over policies of the facility. V8 reported abuse was discussed as part of the house rules. V8 said V1 told V8 around 3:15PM that R1 alleged R2 was sexually inappropriate with R1. V8 said V8 has been working at the facility about one month but did see R1's history of a sexual abuse allegation in the past. V8 stated, "There might be some safety awareness issues and not fully understanding the scope of things, but she is alert and oriented."</p> <p>On 1/10/24 at 3:19PM, V9 (QA Nurse) said V9 was able to introduce V9's self to R2 but did not speak with R2 again after that. V9 said there was another situation with R1 that happened "a while ago" where R1 reported being touched inappropriately. V9 denied being aware of what interventions were put into place after the first incident to keep R1 safe.</p> <p>On 1/10/24 at 3:27PM, V1 said R1 reported the encounter with R2. V1 said R1 said R2 came into R1's room and asked to stay and R1 agreed. V1 said R1 then reported R2 began to kiss R1 and suck R1's breasts. V1 endorsed according to R1, R2 then penetrated R1 and R1 told R2 to stop. V1 reported interviewing R2 and R2 reported they made physical contact but R1 did not tell R2 to stop. V1 said R2 reported R3 came into the room and that is when R1 began saying "no." V1 discussed interviewing R3 and R3 reported R3 saw R1 with no pants on while walking to R3's bed. V1 said R3 reported hearing a male voice ask, "You like that?" V1 said the police were called and took R2 to the station for questioning. V1 reported R1 did have an incident in the past where R1 reported a male resident had sex with R1 against R1's will. V1 said after the first incident R1 was educated on safe sex and setting boundaries and the facility will continue to</p>	S9999		

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S9999	<p>Continued From page 9</p> <p>reeducate R1 on safe sex and "check in on" R1 to make sure R1 feels ok.</p> <p>On 1/17/24 at 4:25PM, V10 (Medical Director) stated, "The one thing I would have to say is that she (R1) is either manipulative and fooled the man into sleeping with her then said he raped her or she's not able to fully understand boundaries." V10 reported being aware R1 had another incident of reporting being raped about one year ago. V10 said for the facility to stop incidents like what happened between R1 and R2 then the staff need to be trained more and increasing monitoring of the residents. This surveyor told V10 that R1 was not able to define consent and asked how can a resident consent to sex if they cannot define consent? V10 stated, "We cannot take away their right on what they want to do. A lot of the residents at the facility are not very educated and not smart people. They have the right to vote so I would say they have the right to consent to, what they want to do with their body."</p> <p>The following documentation is for R1:</p> <p>A Nursing note dated 12/6/22 documents R1 was inappropriately touched by a peer. R1 was sent to the hospital for an evaluation and treatment.</p> <p>A Social Service note dated 12/8/22 documents R1 returned from the hospital related to allegation of an unwanted sexual encounter with a male peer. Social services provided teaching/counseling related to the unwanted sexual encounter. R1 verbalized comprehension of the information presented.</p> <p>The Care Plan dated 12/8/22 documents R1 had a recent allegation of unwanted sexual encounter with a male peer. An intervention for this care</p>	S9999		

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S9999	<p>Continued From page 10</p> <p>plan documents staff will monitor and perform wellness checks on R1 to help determine if R1 is safe from unwanted sexual advances. There is no further documentation of any monitoring taking place for R1.</p> <p>The Sexuality Assessment dated 12/9/22 documents R1 is currently sexually active. R1 can be ambivalent, and per R1's report when it comes to deciding if R1 wants to have sex, R1 describes R1's self as having difficulty saying "no." R1 reportedly does not resist men's sexual approaches. R1 reported "yes" when asked if R1 has ever been hurt in a sexual way or forced to have sex when R1 did not want to. R1 reported having a hard time saying "no", so R1 does not say anything, and reportedly doesn't resist. R1 stated, "Sometimes I just want to kiss." During the assessment, R1 seemed embarrassed and was giggling.</p> <p>The Human Sexuality Questionnaire dated 8/1/23 documents R1 does not engage in sexual activity with others. R1 was asked what R1 would do if R1 were asked to have sex but didn't want to. R1 answered just say "no." No safety issues were identified regarding R1's sexual history. There is no mention in this assessment of R1's previous history of being sexually abused or interventions that are in place to keep R1 safe.</p> <p>The Abuse Risk Review dated 1/8/24 documents R1 made an allegation against another resident for being sexually inappropriate. R1 is at risk for physical, sexual, verbal, and mental abuse. There is no other abuse risk review before this date.</p> <p>The Care Plan dated 1/8/24 documents R1 alleges that another resident was sexually inappropriate with R1. This care plan also</p>	S9999		

Illinois Department of Public Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>IL6004352</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>C</b> <b>01/25/2024</b>
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NAME OF PROVIDER OR SUPPLIER  <b>HICKORY VLG NRSG &amp; RHB</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>9246 SOUTH ROBERTS ROAD HICKORY HILLS, IL 60457</b>
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S9999	<p>Continued From page 11</p> <p>documents R1 is at risk for abuse due to history of alleged sexual inappropriateness by other residents and diagnosis of severe mental illness. This care plan was not initiated until after the incident with R2.</p> <p>The following documentation is for R2:</p> <p>A Social Service note dated 1/8/24 at 2 PM documents social services met with R2 to go over admission paperwork and assessments. Social services explained the facility rules and policies. R2 expressed understanding and signed all appropriate paperwork.</p> <p>A Social Service note dated 1/8/24 at 4:08 PM documents it was reported to social services that R2 was being sexually inappropriate with R1. Both residents were separated, and the allegation was reported to the abuse coordinator.</p> <p>A Nursing note dated 1/8/24 at 4:15 PM documents the nurse practitioner and physician were notified of the alleged rape charges against R2. R2 was escorted out of the facility by the police.</p> <p>The Care Plan dated 1/8/24 documents R2 was accused of being sexually inappropriate with another resident. An intervention is documented as R2 will understand that unwanted sexual advances are not OK.</p> <p>The Facility House Rules were reviewed and document "Physical or verbal abuse of another resident or a staff member is prohibited. This includes abusive or threatening behavior towards resident or staff. Residents who are found to be in or assist in violation of the house rules may be subject to progressive consequences, including</p>	S9999		

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S9999	<p>Continued From page 12</p> <p>immediate discharge from the facility for abusive or unsafe behavior directed against another resident or staff member." R2 signed a copy of the house rules on 1/8/24.</p> <p>The Facility Final Incident Report Form dated 1/16/24 documents R1 reported to V1 that R2 was sexually inappropriate on 1/8/24. Both residents were separated and assessed. R1 stated that R2 came into R1's room approximately at 2 PM and begin asking sexually inappropriate questions. R1 reported that R2 then proceeded to have sex with R1 even after R1 told R2 "no". Upon interview, R2 denied the allegation. R2 stated R2 entered R1's room looking for money. R2 stated, asking for permission to sit on R1's bed, and R1 allowed. R2 denied having sex with R1 because R2 was not able to get an erection. R2 further stated that R3 entered the room, and that is when R1 told R2 to "stop". R2 reported stopping at this time and exiting the room. R3 was interviewed and reported hearing a man's voice when entering the room. R3 stated seeing a man sitting on the edge of R1's bed. R3 stated, "I think he had clothes on." R2 was initially transported to the police department for an interview.</p> <p>The policy titled, "Abuse Policy," dated 10/2022 documents, "This facility affirms the right of our residents to be free from abuse, neglect, exploitation, misappropriation of property, deprivation of goods and services by staff or mistreatment. This facility therefore prohibits abuse, neglect, exploitation, misappropriation of property, and mistreatment of residents ... This facility is committed to protecting our residents from abuse, neglect, exploitation, misappropriation of property and mistreatment by anyone including, but not limited to, facility staff,</p>	S9999		

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S9999	<p>Continued From page 13</p> <p>other residents, consultants, volunteers, staff from other agencies providing services to the individual, family members, legal guardians, friends, or any other individuals ... Definitions: Abuse means any physical or mental injury or sexual assault inflicted upon a resident other than by accidental means. Abuse, is the willful infliction of injury, unreasonable, confinement, intimidation, or punishment with resulting physical harm, pain, or mental anguish to a resident ... The term "willful" in the definition of "abuse" means the individual must have acted deliberately, not that the individual must have intended to inflict injury or harm ... Sexual abuse includes, but is not limited to, sexual harassment, sexual coercion, or sexual assault, including nonconsensual, or non-competent to consent sexual activity."</p> <p>(B)</p>	S9999		