

Illinois Department of Public Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>IL6001671</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>C</b> <b>06/11/2021</b>
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NAME OF PROVIDER OR SUPPLIER  <b>CHESTNUT CORNER S C</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>905 WEST CHESTNUT STREET LOUISVILLE, IL 62858</b>
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S 000	Initial Comments	S 000		
	Complaint Investigation: 2153999/IL134761			
S9999	<p>Final Observations</p> <p>Statement of Licensure Violations:</p> <p>330.911 955.150 a) 955.160 a)6) 955.165 a)1)B) 955.165 f)</p> <p>Section 330.911 Health Care Worker Background Check A facility shall comply with the Health Care Worker Background Check Act [225 ILCS 46] and the Health Care Worker Background Check Code (77 Ill. Adm. Code 955).</p> <p>Section 955.150 Employment Prohibition a) A health care employer or long-term care facility may hire, employ, or retain, whether on a paid or volunteer basis, any individual in a position involving direct care for clients, patients, or residents, and a long-term care facility may hire, employ, or retain, whether paid or on a volunteer basis, any individual in a position with duties that involve access to the living quarters or the financial, medical, or personal records of clients, patients, or residents, who has been convicted of committing or attempting to commit one or more of the following offenses only with a waiver described in Section 40 of the Act and Section 955.160 of this Part. (Section 25(a) of the Act)</p> <p>Section 955.160 Disqualifying Offenses</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

TITLE

(X6) DATE

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S9999	<p>Continued From page 1</p> <p>The following offenses are disqualifying under the Act and this Part. Offenses are not considered disqualifying until the effective date of the legislation adding the offenses to the Act, regardless of the date an individual is convicted of the offense (see Appendix A through Appendix C of this Part).</p> <p>a) Violations under the Criminal Code of 1961 or 2012:</p> <p>6) Assault; aggravated assault; battery; battery of an unborn child; domestic battery; aggravated domestic battery; aggravated battery; heinous battery; aggravated battery with a firearm; aggravated battery with a machine gun or a firearm equipped with any device or attachment designed or used for silencing the report of a firearm; aggravated battery of a child; aggravated battery of an unborn child; aggravated battery of a senior citizen; or drug-induced infliction of great bodily harm [720 ILCS 5/12-1, 12-2, 12-3, 12-3.05, 12-3.1, 12-3.2, 12-3.3, 12-4, 12-4.1, 12-4.2, 12-4.2-5, 12-4.3, 12-4.4, 12-4.6, and 12-4.7] (formerly Ill. Rev. Stat. 1991, ch. 38, pars. 12-1, 12-2, 12-3, 12-3.1, 12-3.2, 12-4, 12-4.1, 12-4.2, 12-4.3, 12-4.4, 12-4.6, and 12-4.7; Ill. Rev. Stat. 1985, ch. 38, par. 9-1.1; Ill. Rev. Stat. 1961, ch. 38, pars. 55, 56, and 56a to 60b); (Source: Amended at 43 Ill. Reg. 3665, effective March 1, 2019)</p> <p>Section 955.165 Fingerprint-Based Criminal History Records Check</p> <p>a) Educational entities, other than secondary schools, and health care employers are required to check the Health Care Worker Registry before allowing a student to enter a training program or hiring an employee to determine:</p> <p>1) Whether a fingerprint-based criminal history records check has previously been conducted, which is indicated by the identifier</p>	S9999		

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S9999	<p>Continued From page 2</p> <p>of "FEE_APP" or "CAAPP".</p> <p>B) If the individual has disqualifying convictions and a waiver has not been granted pursuant to this Part, the individual is not allowed to work as a direct care giver for a health care employer or as an individual with access to residents, the resident's living quarters, or the resident's financial, medical or personal records in a long-term care setting.</p> <p>f) A health care employer who makes a conditional offer of employment to an applicant who is not exempt under Section 955.130, for a position as an employee, shall initiate a fingerprint-based criminal history records check on the applicant, if such a background check has not been previously conducted. A health care employer shall not use the fingerprint-based criminal history records check process provided in the Act and this Part to initiate background checks for applicants for employment positions to which the Act and this Part do not apply. (Section 33(d) of the Act)</p> <p>These Requirements have NOT been met as evidenced by the following:</p> <p>Based on interview and record review, the facility failed to initiate an employee background check within 30 days of employment and failed to deflect the employment of an individual with a disqualifying criminal offense. This has the potential to affect all 63 residents living in the facility.</p> <p>Findings include:</p> <p>On 06/11/21 at 7:55am, V3, Ombudsman, stated staff at the facility had complained to her that V1, Administrator, had not initiated a timely background check on V2, Aide. Staff had also</p>	S9999		
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S9999	<p>Continued From page 3</p> <p>complained to her V2, Aide, had been convicted of felony battery, and V1, Administrator, was aware of the offense but had allowed V2 to remain employed.</p> <p>On 06/11/21 at 10:25am, V1, Administrator, stated the facility utilizes the Joint Committee on Administrative Rules Administrative Code Title 77: Public Health Part 955 Healthcare Worker Background Check code guidelines as their Healthcare Worker Background Check Policy. V1 stated the facility sends all new employees to a third party vendor for their background checks within ten days of hiring. V1 stated he believes changes in licensure regulations due to Covid restrictions may have lengthened the allowable time allotted to initiate background checks. V1 stated V2's payroll title is Aide, with duties ranging from resident care to maintenance. V1 stated V2 was hired on 7/14/20, and was sent for a background check within ten days of hire. V1 stated on 10/08/20, the facility was notified by the Illinois Department of Public Health (IDPH) Healthcare Worker Registry that V2 had the disqualifying offense of aggravated battery. V1 stated he was not sure why they did not receive notification about the disqualifying offense until three months later. V1 stated V2 was allowed to remain in the facility's employ as they were short staffed, and V1 believed IDPH had issued guidance that employees with disqualifying offenses could be waived due to the Covid pandemic. V1 asked the surveyor if she felt V2's employment was problematic, as V2 was scheduled to work this night and he would need to try to find coverage if he was going to have to terminate V2.</p> <p>An Email correspondence from IDPH, dated 10/08/20, documented, "Subject: (V2) Please be</p>	S9999		

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S9999	<p>Continued From page 4</p> <p>advised that the fingerprint based criminal history records check has been completed for the individual listed. The records revealed a criminal conviction for this individual. Pursuant to the Health Care Worker Background Check Act, the revealed conviction causes the individual to be ineligible to be hired, employed, or retained by a health care employer or long term care facility, unless IDPH has granted a waiver. (A) Waiver may be requested after 04/29/22."</p> <p>Guidance at the Joint Committee on Administrative Rules Administrative Code Title 77: Public Health Section 330.911 Part 955 Healthcare worker Background Check Code Section 955.115, Initiation of Fingerprint-Based Criminal History Records Checks as a Fee Applicant Inquiry, states, " When initiating a background check, an educational entity, health care employer, staffing agency, workforce intermediary, or organization that provides pro bono legal services shall electronically submit to the Department of Public Health the student's, applicant's, or employee's social security number, demographics, disclosure and authorization information in a format prescribed by the Department of Public Health within 2 working days after the authorization is secured. (Section 33 (e) of the Act). The student, applicant, or employee shall go to a livescan vendor and have his or her fingerprints collected electronically and transmitted to the Department of State Police within 10 working days after signing the authorization and disclosure form. Each individual shall submit his or her fingerprints in an electronic manner prescribed by the Department of State Police. (Section 33(e) of the Act) Guidance at <a href="http://dph.illinois.gov/topics-services/health-care-regulation/health-care-worker-registry">http://dph.illinois.gov/topics-services/health-care-regulation/health-care-worker-registry</a>, "Changes</p>	S9999		
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S9999	<p>Continued From page 5</p> <p>Under Executive Order 2020-22: This Executive Order made changes to the fingerprinting requirements for CNA students and health care employees to work in Illinois; these changes remain in effect for the duration of the Gubernatorial Disaster Proclamations. On April 10, 2020, the Illinois Department of Public Health filed emergency rules to make changes to the Health Care Worker Background Check Code [77 Ill. Adm. Code 955] to implement the provisions of Executive Order 2020-22. The fingerprinting requirements that have changed under this Executive Order and/or the emergency rule are as follows: Students enrolled in CNA training programs and certain health care employees (and those applying for jobs at health care facilities) must have their fingerprints collected electronically and transmitted to the Illinois Department of State Police within 30 working days of enrollment in a CNA training program or the start of employment. Previously, a student or new hire had only 10 days to have fingerprints scanned and submitted before they would be suspended from the training program or employment."</p> <p>The facility failed to present any documentation to validate V1's statement that V2 was sent for a background check within 10 days as V1 stated.</p> <p>A Resident Location List, dated 06/11/21, documented a total of 63 residents living at the facility.</p> <p>(B)</p>	S9999		