

Illinois Department of Public Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER:  <b>IL6008833</b>	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____  B. WING _____	(X3) DATE SURVEY COMPLETED  <b>C</b> <b>08/17/2022</b>
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NAME OF PROVIDER OR SUPPLIER  <b>CELEBRATE SENIOR LIVING NILES</b>	STREET ADDRESS, CITY, STATE, ZIP CODE <b>7000 NORTH NEWARK NILES, IL 60714</b>
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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
S 000	Initial Comments  Complaint Investigation: 2296286/IL149949  Facility Reported Incident Investigation FRI of 8/8/22, IL149951	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	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</p> <p>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.</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 interviews and record reviews, the facility failed to follow their abuse policy. The facility failed to affirm the right of their residents to be free from sexual abuse. This affects 2 (R1 and R2) of 3 residents reviewed for sexual abuse. This failure resulted in R1 and R2 transferring to a local hospital for further evaluation. R1 reported that R1 does not feel safe and afraid that the facility may discharge R1 for reporting a sexual abuse. R2 admitted in the hospital for superficial vaginal laceration.</p> <p>Findings Include:</p> <p>Facility Reported Incident dated (8/8/22), reads in part: On 8-8-22 at approximately 12:45 PM, it was reported to Administrator by nurse on duty that R1 verbalized "at night 8-8-22 at 5am male CNA made me touch his private part with my hand". R1 was able to describe CNA. CNA was called and immediately suspended pending further investigation. Full investigation in progress.</p> <p>R1 sent out to local hospital on 8/8/22. Hospital record dated 8/8/22, reads in part: R1 alert and oriented 2-3, and able to recall events multiple times stating the same details. I performed the</p>	S9999		

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S9999	<p>Continued From page 2</p> <p>digital exam which revealed some slight tenderness with labial retraction that she describes as more of a pulling sensation. R1 describes that the vaginal discomfort was her main complaint for coming in today for evaluation. R1 describes with the NCT (Nurse Care Technician) changing R1 diaper during the overnight shift and sexually assaulting R1. R1 says that the NCT inserted his fingers into her vagina, causing pain. He also placed R1's hand multiple time in his penis. R1 says that NCT was not wearing gloves. R1 does not believe that NCT removed his pants or expose genitalia. R1 was evaluated and treated for sexual assault. Police report was made.</p> <p>Reviewed police report dated 8/8/22, reads in part: R1 advised that male/black was very polite and soft spoken when he was in the room. R1 advised R1 was half asleep but did know that CNA had taken her hand and had placed it on to his penis under his pants. R1 advised R1 pulled R1's hand back, and this occurred 2 more times. R1 advised as R1 was being changed CNA told R1 to spread R1's leg apart real far and at one point inserted his finger into R1's vagina with force. R1 advised that it hurts and R1 cried out a little. R1 advised that CNA did not say anything, but he did clean R1 up and finished changing R1. At the ER (Emergency Room), R1 did tell staff members the same version of events as R1 related at the nursing home, including the unwanted, forced, contact of R1's hand with the penis of CNA and of CNA penetrating R1's vagina with his finger, which was also unwanted and forced, causing her pain and emotional distress.</p> <p>R1 with a BIMS (Brief Interview for Mental Status) score of 11 (8-12 moderately impaired).</p>	S9999		
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S9999	<p>Continued From page 3</p> <p>On 8/10/22 at 11:15 am, V1 (Administrator) stated that during her rounds, V12 (Social Service Director) came up to V1 and informed V1 to talk to the nurse. Walking with V12 in the hallway heading to the nurse, V12 already alerted me of the concern. V1 stated "The floor nurse told me that R1 reported that a night CNA came to R1's room, cleaned R1 and CNA grabbed R1's hand and put it on his penis 3x. Immediately I went to R1's room to interview. R1 said the same story as the nurse reported the event to me. I asked additional questions, if R1 can describe the CNA. R1 described the CNA as young man, braided hair, black. I asked R1 if she saw the CNA before R1 said "no" and that this was the first time R1 saw the CNA. I asked R1 if she is in any discomfort or got hurt, R1 reported no and said "I am fine right now. I informed R1 that we will investigate, and I told R1 that we will inform R1's son and primary care physician. I initiated investigation. Nurse did a full body check. No new injury. Social worker helped with the interviews. I called MD and informed them and also the son of R1. Closer to 345pm of 8/8/22, POA came to my office with R1, on wheelchair. POA reported that R1 now remembers more details. So, I asked R1 to share the details to me. R1 stated 5am, night CNA came to R1's room and the CNA said to R1 that he would take good care of R1, if you take good care of him. R1 said" I thought CNA said that, but I am not sure". CNA put his hand over R1's hand and made R1 touched his private area about 3 different times". V1 also stated that they reviewed the schedule for the night shift that the alleged incident happened and noted that an Agency CNA was scheduled on 8/7/22 night shift going to the morning of 8/8/22.</p> <p>Alleged CNA is now known as V15.</p>	S9999		
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S9999	<p>Continued From page 4</p> <p>On 8/10/22 at 12pm, R1 orientation assessed. R1 is alert and oriented x 3. R1 stated that there was a male (V15), black with braided hair that came in R1's room around 5am. R1 stated that V15 started to clean R1's private area. R1 reported that V15 grabbed R1's hand and place it in V15's penis, with the pants on. R1 stated R1 pulled back R1's hand and V15 again tried 2-3 more times. V15 continued to clean R1, and V15 put his finger inside R1's vagina and it hurts. R1 not able to report how long was the finger inside R1, but long enough to feel bad about it. R1 also stated feeling hopeless and ashamed".</p> <p>On 8/11/22 at 1030am, V12 stated "R1 reported it to the nurse. Nurse called me in my office asking me to talk to R1. I went to see R1 and R1 reported to me that a male, with black braids (V15). R1 thinks that V15 is from the agency. R1 reported to me that V15 put R1's hand to V15's penis".</p> <p>On 8/11/22 at 11:00am, V15 stated that V15 worked on 8/7/22 night shift in the facility, 5th floor. V15 reported coming in late for V15's shift. Reported that this was V15 first time working in this facility. V15 reported that V15 worked by himself, V15 was the only CNA on the unit. V15 does not recall who were the residents V15 cleaned, does not remember names or rooms. V15 remembers getting up one male and one female in the morning, and the rest received personal care.</p> <p>On 8/11/22 at 1:30pm, V16 (nurse, worked on 8/7/22, night shift) stated that V15 came in late that night shift and no CNA in the beginning of her shift until V15 arrived in the unit. V16 reported that R1 pressed the call light around 5mins after 5am and when V16 answered the call, R1 asked</p>	S9999		
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S9999	Continued From page 5  V16 to grab a pop (soda) in R1's drawer. V16 handed R1 the soda and did not report anything. However, V16 stated that R1 never pressed the call light at that hour when V16 worked with R1. "I was surprised when she had her call light on and when I went, she only asked for a coke".  On 8/12/22 at 10:20am, V19 (CNA assigned for R1 on 8/8/22) stated that V19 seen R1 in R1's room around 6am on 8/8/22, R1 denied needing to be changed, after breakfast V19 checked on R1 again, and R1 was not yet ready to get up and R1 said R1 is not wet and does not need diaper change. V19 stated "Around noon, I need to be change now, I am wet. It was wet. I would say R1 was change during the night shift. R1 would tell me if she needs to be change. "I have to talk to you" I proceeded to start the care. R1 asked me who the CNA worked last. I did not know the name, but I saw V15. R1 described V15 to me, as a young, black, good looking, with braids. R1 also stated that at 5am, CNA male came into her room, proceeded to change R1. R1 told me that after the change, V15 grabbed R1's hand and place it on V15's penis. V15 continued to try to place it several more times, R1 said 3-4 times. I asked R1 if V15 to do anything else and R1 stated that at the time R1 did not think about it, but now R1 said that while CNA was changing her, R1 thought it was a routine change, and didn't think anything wrong during the change because all CNAs touched her private area to clean her. R1 then told me that R1 was not going to report it and tell anyone because R1 was afraid that V15 might come back tonight and found out that R1 reported and might kill R1 or hurt R1. I told R1 I will go get to my nurse and R1 was unsure of getting someone else. V6 (Nurse) was feeding R2, and I asked V6 to come with me. V6 and V19 went to R1's room. This is the first time I	S9999		
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S9999	<p>Continued From page 6</p> <p>heard R1 make abuse allegations since I started working in the facility. On 8/8/22 was the first time I have seen this CNA". V19 described V15 as medium build, black, corn rolls/braid in hair, right above the shoulder, and wearing gray scrubs.</p> <p>On 8/10/22 at 220pm, V6 (Nurse on duty on 8/8/22, morning shift) stated "I started 7am, R1 reported the abuse allegation around 1pm, after lunch. R1 reported to me that 5am one guy came in, braided hair, started cleaning R1, and R1 knows that it was not the usual CNA. R1 said V15 cleaned R1 and grabbed R1's hand and put R1's hand on V15's thing. R1 reported that V15 cleaned and wiped R1 a lot. I reported it to the MDS because DON was off, MDS reported to social service and social service reported to Administrator. Administrator talked to me, and I reported what was said to me by R1. We did complete body check".</p> <p>Facility provided document dated 8/15/22, it is documented that R1 was interviewed and R1 verbalized that R1 is still not doing well, keeps thinking about what happened and had a dream about that. R1 stated that R1 is worried that R1 would be discharged because R1 caused problems.</p> <p>Facility reported Incident on 8/8/22, reads in part: On 8-8-22 between 5:30 PM- 5:45 PM, V1 was informed by V17 (Attending Physician) that R2 had vaginal bleeding. V17 examined R2 at bedside and noted "fresh laceration to her vaginal area 2x1 to her vagina area". R2 sent to local hospital for evaluation. Full investigation in progress. Any obvious injuries or complaints of injury: vagina bleed with fresh laceration.</p> <p>Hospital record dated 8/8/22, reads in part: Chief</p>	S9999		
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S9999	<p>Continued From page 7</p> <p>Complaint: Laceration. Presents to the emergency department via EMS from nursing home after the day shift RN noticed vaginal bleeding when changing R2's diaper, physical exam at the facility performed by the physician showed a vaginal laceration and was sent to the ER for possible stitches. R2 alert and oriented x1, unable to provide HPI, this appears to be R2's baseline. Genitourinary: Comments: 2cm superficial laceration along inferior aspect of the vagina internal to labia minora, not actively bleeding. ED attending physician spoke with R2's son, who gave consent for a sexual assault kit over the phone along with speaking with physician who performed the exam at the facility who reported that there is some concern for possible elder abuse/sexual assault given the location as it is unclear as to how R2 would gotten this and R2 is alert and oriented x 1 (self) at baseline and unable to provide history. ED diagnoses: Vaginal laceration, initial encounter and Sexual Assault of Adult, initial encounter.</p> <p>Reviewed police report dated 8/8/22, reads in part: Responding officer arrived on scene and met with nurse with local hospital. Nurse advised on today's date, the victim, R2 was brought in for a laceration to her vaginal area. She stated upon doing her examination, she observed the laceration was more of a tear, which could be consistent with a sexual assault. Nurse advised because another resident from the same building, was just in the emergency room for the same thing, Nurse called the local police.</p> <p>On 8/10/22 at 11:15 am, V1 (Administrator) stated that R2's laceration was reported really late by primary care physician. V17 stopped by my office and V17 told me that V17 was here to examine R2 for vaginal bleeding. V17 saw laceration and</p>	S9999		

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S9999	<p>Continued From page 8</p> <p>told me that V17 is sending R2 to hospital for evaluation. V17 said there is no more bleeding but there is a very strange laceration. V17 cannot understand how this laceration could happen and this is the reason V17 wants R2 to be evaluated. I reported it. Investigation initiated. Nurse reported that R2 had a vaginal bleeding after lunch and nurse called V17, V17 said he will be in the facility to evaluate R2.</p> <p>On 8/20/22 at 2:20pm, V6 (Nurse) stated "After lunch when V10 (CNA) was providing care, V10 reported to me that there is blood on R2's diaper. I went and checked on R2, I assessed, and I noticed that a scant amount of blood coming from R2's vagina. I did not see any cuts at the time, because R2 has resistance when opening R2's legs. I called R2's doctor and was in surgery at the time for another 30 mins. I talked to R2's doctor and V17 said V17 would come in the facility to see R2".</p> <p>On 8/12/22 at 1:00pm, V17 (Attending Physician) stated "I cannot say sexual assault, but It is a strange wound. R2 is non-verbal and when I saw the wound, it was on right upper inner outside of the vagina. Laceration, not like torn wound. Looked like a clean cut. Any wound in that area has to be investigated. I did not clean the wound. I asked the nurse to put 4x4 and antibiotic ointment. I just saw just one laceration; I didn't see any scratches. I spoke to the ER doctor, and I told them the same thing, clear wound, looks fresh and should be sutured. ED doctor said they have to admit and do investigation. No discoloration in the area, and I only pay attention to the wound. I reported to the administration".</p> <p>On 8/10/22 at 4:10pm, V10 (CNA) stated "I worked on 8/8/22, morning shift, south side. I was</p>	S9999		
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S9999	<p>Continued From page 9</p> <p>not the CNA for R1, but I am the CNA for R2. My shift started at 630am. R2 was already up on the wheelchair and in the dining room. R2 did not show sign of pain during the daytime. R2 was up the whole time on wheelchair until after lunch. I changed R2 around after lunch. I saw blood on R2's private part, blood stain in diaper also, bright red blood stain with moderate amount in diaper and outside vagina. I do not know if the blood was coming from the inside of the vagina. I reported it to the nurse right away. Nurse checked the resident".</p> <p>On 8/11/22 at 11am, V15 (CNA worked on 8/7/22 night shift, going to 8/8/22 morning) stated "I took care of a resident, I do not know the name, but the resident was in the room close to nurses' station, facing the nurses station. Resident by herself and there is no roommate. I cleaned up the female resident, it is my Job. I did not see any bleeding on that female resident diaper. I got her up on the wheelchair".</p> <p>Confirmed with V16 (Night nurse of 8/7/22) that V16 saw V15 took care of R2 maybe around after 4am, door was close during the care, and V15 got up R2 on R2's wheelchair. V16 stated "By the time I got in the room of R2, closer 5am, I saw R2 already in the wheelchair. R2 was in the dining room".</p> <p>Nursing daily schedule review and noted V15 was on schedule for night shift on 8/7/22 (11pm to 7am)</p> <p>Abuse Policy dated 2/7/17 reads in part: This facility affirms the right of our resident to be free from abuse, neglect, exploitation, misappropriation of property, and mistreatment of residents. In order to do so, the facility has</p>	S9999		

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S9999	Continued From page 10  attempted to establish a resident sensitive and resident secure environment. Abuse means any physical or mental injury of sexual assault inflicted on resident other than accidental means. Sexual abuse includes but not limited to sexual harassment, sexual coercion or sexual assault.  (A)	S9999		
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