

Illinois Department of Public Health

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION	(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: IL6000335	(X2) MULTIPLE CONSTRUCTION A. BUILDING: _____ B. WING _____	(X3) DATE SURVEY COMPLETED 12/12/2024
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NAME OF PROVIDER OR SUPPLIER

STREET ADDRESS, CITY, STATE, ZIP CODE

WESTMONT MANOR HLTH & RHB

**512 EAST OGDEN AVENUE
WESTMONT, IL 60559**

(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 Annual Licensure Survey	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 care needs of the resident.	S9999		

Illinois Department of Public Health

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

TITLE

(X6) DATE

Electronically Signed

12/30/24

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S9999	<p>Continued From page 1</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 observation, interview, and record review, the facility failed to ensure a resident was free from verbal and physical abuse. This applies to 1 of 3 residents (R73) reviewed for abuse allegations in the sample of 18. This failure resulted in R73 feeling traumatized, unsafe, being afraid to sleep, and developing insomnia.</p> <p>The findings include:</p> <p>R73's face sheet showed him to be a 58 year old male admitted to the facility on October 1, 2024, with diagnoses that include Necrotizing Fasciitis, Severe sepsis, Pneumonia, Acute respiratory failure, Alcohol Abuse, and Long Term use of antibiotic.</p> <p>R73's Minimum Data Set (MDS) dated October 7, 2024, showed R73 to be cognitively intact.</p> <p>The initial facility reportable dated November 21, 2024, showed the following: While in the hallway a miscommunication occurred between R73 and V12 (CNA/Certified Nursing Assistant), after which R73 began using his cell phone to video V12. Upon noticing this, V12 moved the phone out of view, which led to R73 becoming upset.</p> <p>The facility's final reportable dated November 29, 2024, showed the following: On November 29, 2024, the facility completed a thorough</p>	S9999		

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S9999	<p>Continued From page 2</p> <p>investigation into an incident involving R73 and V12. The investigation was initiated after R73 became upset during an interaction with V12 in the hallway, where V12 moved R73's cell phone out of view after noticing R73 was recording her. R73 reported feeling upset about the interaction but did not express feeling of fear or alleged physical harm. V12 stated that the phone was moved to avoid being recorded, which was perceived as intrusive or unwanted, and emphasized that there was no intent to escalate the situation. Witness interview and resident interviews revealed no concerns about V12's behavior. V12 was suspended pending the outcome of the investigation. The review concluded that V12's actions, while upsetting toward R73, did not constitute abusive behavior. The interaction appears to have resulted from a misunderstanding rather than intentional harm.</p> <p>The facility's investigation report showed no documentation of V14's interview. V14 was the nurse at the nurse's station during the altercation.</p> <p>On December 9, 2024, at 1:57 PM, R73 stated he was verbally abused and physically assaulted by V12 (Certified Nursing Assistant/CNA). R73 stated that he put his call light on and V33 (CNA) answered the light, and he told her he needed his urinal emptied. R73 stated that V33 said she was going to tell his CNA (V12) to empty the urinal. R73 stated that after a few minutes he wheeled himself to the nurse's station and he saw V14 (Registered Nurse), and he asked V14 who his CNA was. R73 stated that V14 stated his CNA was V12 (CNA) and she was in the internet/ room across from the nurse's station. R73 stated he went and asked V12 to empty his urinal and she (V12) told him to do it himself and started cursing at him. R73 stated he was on the phone with</p>	S9999		

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S9999	<p>Continued From page 3</p> <p>someone, and they could hear what was going on and they told him to record it. R73 stated he started recording. R73 stated V14 was sitting at the nurse's station during the altercation. R73 stated he asked V12 again if she was going to empty his urinal and she started screaming and cursing at him and then walked towards him and as she was passing him, she (V12) hit his right hand and arm, and his phone went flying out of his hand. R73 showed the video to the surveyor at 2:00 PM on December 9, 2024.</p> <p>On December 10, 2024, at 10:43 AM, R73 stated when he asked V12 to empty his urinal and she started yelling and cursing at him, he was shocked that she was acting like that. R73 said at the nurse's station he just asked her, if she could please empty his urinal. R73 became teary eyed, and said he is seeing a therapist because, now he has trust issues. R73 stated that V14 was there and did not say anything or do anything. R73 stated he was thinking of how to escape. R73 stated he went into his room and started thinking about what had just happened and he came back out to speak to the supervisor. It was around shift change and V16 (RN) was at the nurse's station and the "girl that assaulted" him was still at the nurse's station with V33, and V14. R73 stated they were all talking to each other. R73 stated he then asked to speak to the supervisor and V16 said if you decide to report this, she will have to document what he (R73) did. R73 stated he didn't do anything. R73 stated he never yelled at V12 or anyone. R73 stated then V16 asked if he was sure he wanted to call the police and he said yes. They were all talking at the nurse's station, so he went back to his room. R73 stated then V15 (Nursing Supervisor) and V16 came to his room. V16 asked what happened. R73 stated he told them what</p>	S9999		

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S9999	Continued From page 4 happened and V15 stated the administrator would talk to him tomorrow and they left. R73 stated they didn't ask him if he was okay or anything. R73 stated he was thinking that "the person that assaulted him is still here and I'm defenseless." R73 stated he felt like there was an intent to keep him from reporting it to the police. R73 stated, he then went back to the nurse's station and asked them to call the police and V16 told him that it would be better if he called from his phone. R73 stated he went back to his room and called the police. R73 stated the police came and interviewed him and the first thing the officer said was that the V12 told the police that R73 singled her out. R73 then started crying with lots of tears rolling down his face at this point and surveyor got him some tissue. R73 stated that V12 told the police that he cornered her in his wheelchair so she swung at him because that was the only way she could get away from him. R73 stated he showed the officer the video and the officer went and got V15 and told V15 what V12 said and what the video showed. R73 said the officer then asked him if he wanted to file Battery charges and he said yes. R73 stated that the officer told V15 it was R73's right to file charges. R73 stated if he had not recorded it, no one would have believed him. R73 stated no one asked him if he was okay that night, they didn't examine him or anything. R73 stated his right hand was stinging after the CNA knocked the phone out of his right hand. R73 stated that he thought it was a little swollen, so he requested an x-ray. R73 stated the next morning the social worker, the administrator and a couple other people came and asked if he was okay. R73 stated he showed V1 (Abuse Coordinator/Administrator) the video of the altercation and V1 asked for a copy of it, but R73 did not give him one. R73 stated he does not feel safe in the facility, and he put in a	S9999		

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S9999	<p>Continued From page 5</p> <p>request to be transferred. R73 stated after the altercation he called around to see what facilities took his insurance. R73 stated he is afraid at night and is watching closely who is here because no one helped him, and they tried to cook up a story about him. R73 was teary eyed and said they could have had me arrested. R73 stated he is suffering from sleep deprivation since this happened, he is sad, and afraid of retribution. R73 was still visibly shaken and stated that it was so abrupt and shocking.</p> <p>On December 10, 2024, at 1:34 PM surveyor went to go review video footage again with another surveyor. R73 stated he fears retribution. R73 stated he felt defenseless when the altercation with V12 happened because "I couldn't even run away if I needed to." R73 stated again he doesn't feel safe and started to cry with tears rolling down his face. R73 again stated he started calling numbers that the hospital gave him that accepted his insurance. R73 started crying again and said had he known he needed to involve the facility to help him with the transfer, he would have contacted them sooner. As R73 continued crying he said no one ever asked how he was doing that night.</p> <p>On December 9, 2024, at 1:57 PM and on December 10, 2024, at 1:34 PM, the video footage of the altercation was reviewed and showed the following: R73 asked V12 if she would empty his urinal. V12 gets very upset and starts yelling at R73 and stated he "pissed her off, she is going to leave the urinal and walk the hell out of the facility." V12 continues screaming while leaning in towards the resident that she is not meant to do what he can do for himself. V12 then stated "so go do it yourself, whatever the F*** happens let it happen. I'm not going to do it,</p>	S9999			

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S9999	<p>Continued From page 6</p> <p>whatever the F*** happens let it happen" as she walks past the resident and enters the nurse's station. The nurse's station has two exits on either side of V12. V12 chooses the one closest to R73 and she walks about 8-10 feet towards the resident and the video continues to show V12's hand coming towards R73's phone, the screen then becomes obscure and V12 continues to scream in the background. Immediately afterwards R73 can be heard saying to someone, "you are my witness she just put her hands on me."</p> <p>On December 10, 2024, at 12:05 PM, V1 stated the facility does not have a video of the incident because the video recycles every week. V1 stated he did not view his facility's video footage of the incident that took place at the nurse's station where there is a video camera. V1 stated he did not request a police report of the incident.</p> <p>The Police report dated November 20, 2024, at 11:50 PM, showed that the responding officer interviewed V12, and she stated that she got into an altercation with R73 regarding him demanding services, cornering her in a room, and rudely asked if she was on break. The report goes on to say that V12 stated R73 then started following her in his wheelchair and recording her. V12 said she tried to get away from R73 and hit his phone out of his hand in the process. The report also shows R73 stated he was upset that V12 was not doing her job and V12 started yelling and cursing, when R73 asked her to assist him, so he started recording her (V12). R73 claimed V12 walked up to him and smacked that phone out of his hand.</p> <p>The responding officer incident report also stated that before the physical altercation with R73, V12 nurse had a different exit where she could have</p>	S9999		

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S9999	<p>Continued From page 7</p> <p>avoided R73 altogether.</p> <p>The police report also showed that V12 was arrested on scene on November 21, 2024, at 12:32 AM and was issued a citation to appear in court for battery.</p> <p>On December 10, 2024, at 4:02 PM, V13 (Police Officer) stated he interviewed the alleged CNA perpetrator (V12). The staff was on the CNA's side and stated that R73 and V12 had a verbal altercation the day before. V13 stated that R73 stated that he rang his call light, and another CNA came and said she would get his CNA to dump his urinal. V13 stated that after no one showed, R73 went looking for his CNA and found her in the room across from the nurse's station. V13 stated that R73 said he asked the CNA if she was on her break, then the CNA and got aggressive and said his call light was not illuminated and she started screaming and cursing at him. V13 stated then R73 said he started recording her. The officer stated that the V12 stated R73 was following her around in the wheelchair. V13 stated that the CNA was about 12 feet away according to the video and she initiated and approached R73 and smacked the phone out of his hand. V13 stated V12 hit R73 hard enough to knock the phone from his hand. V13 stated V12 did not have a professional demeanor. V13 stated he found her aggressive in the video. V13 stated V12 was cited for battery. V13 stated that the definition of Battery is making contact however slight with another subject. V13 stated that V12 originally said R73 cornered her and as she was trying to get pass him is when she knocked the phone out of his hand. V13 stated that was not the truth based on the video he viewed.</p> <p>R73's Psychiatry follow up note by V9 (Psychiatric</p>	S9999		

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S9999	<p>Continued From page 8</p> <p>Nurse Practitioner) dated December 2, 2024, showed the following: Patient's mood appears to be up and down, asked to assess resident by staff due to episodes of agitation. Resident guarded on exam and stated he was "physically attacked by a staff member and doesn't feel too safe." He thinks he will benefit from talk therapy. Denies prior Psychiatric history and reports insomnia and agrees to start melatonin.</p> <p>On December 10, 2024, at 3:48 PM, V9 stated he went to assess R73 for difficulty sleeping and was surprised that R73 talked about being assaulted. V9 stated that the resident said to him. "Wouldn't you be agitated if this happened to you." V9 stated R73 told him he wasn't sleeping deeply at night because he was afraid that he will be attacked by staff. V9 stated he can understand not being able to sleep if he had that concern. V9 stated he recommended V9 be seen by psychologist for therapy.</p> <p>V12's employee statement dated November 20, 2024, stated that she told R73 that he walked all the way from his room just to yell at her over a urinal he could have emptied himself or the last shift should have emptied for him. V12 stated that R73 immediately took out his camera and started recording her and she repeated the same thing to him and pushed the camera away from her face and walked away.</p> <p>V16's nursing note dated November 2, 2024, at 11:55 PM showed the following: while walking up the hall, resident was observed wheeling around the nurse's station screaming at the CNA, He pointed at the nurse on duty and said, "Didn't she smack my phone out my hand?" the nurse on duty said, "I did not see." The resident looked at writer and said. "She smacked the phone out of</p>	S9999		

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S9999	<p>Continued From page 9</p> <p>my [hand] and that is assault." The writer asked the CNA to leave the area and she stated, "He recorded me!" and resident to return to his room so that supervisor could be notified. Immediately all resident's needs were reassigned to the alternate CNA on duty, Resident informed writer and supervisor that he wanted to press charges and called 911. The police arrived and spoke to R73, writer, and all other staff.</p> <p>On December 11, 2024 at 11:59 AM, V14 stated she remembers the altercation with R73 and V12 on 11/20/2024. V14 stated it happened at the nursing station. V14 stated she was at the nurse's station, she heard loud screaming and got up saw them going back and forth. V14 stated she told V12 to lower her voice because people were sleeping. V14 stated R73 was looking around and then found V12 and started talking at the Cybercafé (across from the nurse's station). V14 stated she heard them screaming and told them to calm down. V14 stated that R73 said immediately after it happened that V12 knocked the phone out of his hand. V14 said she did not see it happen.</p> <p>On December 12, 2024, at 12:47 PM, V14 stated that at no point during the altercation with R73 and V12 did she try to remove R73 from the situation. V14 stated they were not close together. V14 stated she did tell V12 to stop screaming at the R73, but V12 was so angry and told V14 that she was not her boss and couldn't tell her what to do. V14 stated she should have documented it but wasn't aware of the facility's protocols because she is agency staff.</p> <p>Progress note dated November 11, 2024, showed that R73 complained of pain to his right hand at a level of 7/10 pain level. Pain medication was</p>	S9999		

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S9999	<p>Continued From page 10</p> <p>given and an x-ray of his right hand and wrist was ordered.</p> <p>Employee Discipline Form dated November 27, 2024, showed V12 was terminated for violating rule 6 of the SEIU agreement as outlined in the appendix. The violation occurred when the employee knocked the phone out of the hand of a resident, an action that constitutes inappropriate conduct. In addition, resident stated that his phone screen was cracked due to it being knocked out to the floor which violates Service Employee International Union (SEIU) rule #6- "Willful destruction or damage of property belonging to facility or persons." This behavior is considered a breach of workplace standards and rules, leading to the employee's termination.</p> <p>The facility's Abuse Prevention Policy showed the following: 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. Physical abuse includes hitting, slapping, pinching, kicking, and controlling behavior through corporal punishment. Verbal abuse is the oral, written, or gestured language that willfully includes disparaging and derogatory terms to residents or families, or within their hearing distance, regardless of an individuals' age, ability to comprehend, or disability.</p> <p>(B)</p>	S9999		