



FOR IMMEDIATE RELEASE

**East Central Regional Human Rights Authority
Evenglow Senior Living
Report of Findings
Case # 24-060-9007**

The East Central Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission voted to pursue an investigation of Evenglow Senior Living in Pontiac, Illinois receiving the following complaints of possible rights violations:

- 1. Inadequate treatment**
- 2. Inhumane treatment**

If the allegations are substantiated, they would violate protections under The Skilled Nursing and Intermediate Care Facilities Code (77 Il Admin Code 300.2220, 77 Il Admin Code 300.2050, 77 Il Admin Code 300.2080, and 77 Il Admin Code 330.1630) and The Nursing Home Care Act (210 ILCS 45/2-101).

Complaint Summary: The complaint alleges the facility is understaffed which is affecting resident care. Allegedly, residents must wait over 4 hours for pain medications or to see a nurse. Allegedly, the food at the facility is inedible and residents are going to bed without eating. The complaint alleges the facility is unsanitary and the facility is infested with bed bugs and roaches.

Investigation:

The HRA proceeded with the investigation. To pursue the matter, the HRA visited the facility, and the program representatives were interviewed. Relevant practices and policies were reviewed.

Interviews:

On October 30th, 2023, the HRA met with staff of Evenglow Senior Living. Staff stated Evenglow has two facilities in Pontiac, Illinois. The facility the complaint was referencing is Evenglow Lodge. Staff stated the health center at the Lodge currently has 31 residents on two floors. In addition to the residents' rooms, there are also administrative offices, a dining room, a living room and a kitchen. Staff stated each floor of the health center is identical. The health center is staffed with dietary, housekeeping, registered nurses (RN) and certified nursing assistants (CNA). All staff are provided orientation upon hire. Additionally, staff complete annual trainings as required by the Illinois Department of Public Health (IDPH). Staff stated they have 15 housekeepers on staff at Evenglow. Each housekeeper is assigned a set number of rooms

that they clean. Staff stated there is a schedule that informs the housekeeper what to clean every day of the week.

Staff stated IDPH has a staffing calculator that Evenglow uses to determine how many nurses are required per shift. Staff stated Evenglow always has the appropriate number of staff daily. Staff stated they sometimes utilize a staffing agency if their staffing numbers are low. The facility is required to report their staffing numbers to IDPH quarterly to ensure they are complying. Staff stated IDPH recently investigated the same complaints the HRA received which resulted in no findings.

Staff stated medications are typically administered during mealtimes unless prescribed differently. No resident or family member has ever complained about not receiving medication on time. Additionally, no resident or family member has complained about not seeing a nurse in a timely manner. All resident rooms are equipped with a call button to call a nurse. Staff stated administration can review how long it takes a nurse to respond to the residents' requests. Staff stated all residents are seen in a timely manner and residents are not afraid to speak their minds and if they are not happy the residents would inform staff.

The HRA was given a tour of the health center including a resident's room, dining room, kitchen, living room and the kitchenette. The HRA did not observe any bugs while at the facility. The HRA observed the facility to be clean. The monthly menu is posted outside the kitchen and kitchenette. The menu displayed several main course offerings. In the dining room there was a cart with pre-packaged snacks for residents.

Staff stated residents are provided 3 meals a day. Additionally, there is a snack cart available all day for the residents. The residents also have access to a kitchenette which is supplied with food. During each mealtime the residents are offered a few options for a main course. There is also an "always available" menu which includes foods such as soups, sandwiches, salads, and grilled cheese that the resident can request if they are not happy with the menu for the day. Staff stated dietary meets with residents upon admission to Evenglow to learn their likes and dislikes. There is one resident who wants a hamburger daily so dietary ensures he receives one daily. Staff stated there is a monthly resident council meeting where the residents meet to discuss any issues or concerns with the social worker and dietary. The only complaint received about food is that the menu offers too many fish options. Staff stated IDPH also meets privately with the resident council during their annual survey.

Staff stated there have been no reports of bed bugs at the facility in 5 years, when a new resident brought in bed bugs. The facility quickly dealt with the bed bugs and prevent the spread to other resident rooms. Staff stated they have a rodent/pest control company come out monthly to spray.

Policy Review:

The HRA reviewed Evenglow's "Pest Management Policy". The Policy states "The primary objective of this Pest Management policy is to prevent, control, and minimize the presence of pests within Evenglow Senior Living buildings to ensure the health, safety, and well-being of residents and staff. The Environmental Service Director is responsible for implementing and

overseeing the pest management program. The Environmental Services Director or their designee will: Conduct regular inspections of the premises to identify and address potential pest entry points. Maintain a high standard of cleanliness in all areas, including communal spaces, resident rooms, kitchens, and storage areas. Ensure proper disposal of garbage and waste in sealed containers. Train staff on procedure for reporting signs of pests.”

Evenglow’s “Bed Bug Procedure” states “For identification purposes, capture the bug and place in a sealed container/bag. Remove the resident(s) from the room. Do not remove any items from the room including linens, equipment and clothing. Place a do not enter sign on the resident’s room door. Do not allow staff, visitors, or residents to enter the room. Assess the resident(s) for red areas (bites) and document on a skin observation sheet. Place their clean and dirty clothes, linens, etc., into garbage bags and take the bag(s) down to laundry. Mark the bags with a note informing laundry to place the clothes in the dryer first. Laundry staff will place the clothing into the dryer and dry for at least 30 minutes at a minimum temperature of 130 degrees. Then they will launder the clothing and bedding as usual. Notify the Administrator, The Director of Environmental Services, and the Director of Nursing. The exterminator contracted by Evenglow will be contacted to treat the room. Once the room is treated, housekeeping will clean the room including vacuuming any upholstered furniture. The vacuum cleaner bag is to be changed once the vacuuming is completed. Once the above is done, the resident will be allowed to return to their room. The resident’s family and physician will be notified. If any further live bugs are found, the above procedure will be repeated.”

The HRA reviewed “Medication Administration and Recording” policy for Evenglow. The policy states “The person who prepares the dose must also administer the medication. Do not prepare medication more than 1 hour before administering to the patient. This helps to prevent medication errors. Locate the medication and compare the prescription label with the MAR (Medication Administration Record) for accuracy prior to preparing medication dose. Remove the medication dose from the drawer and place in a medication cup. Residents shall be identified prior to administration of medication by one of the following methods: Check photograph of resident in MAR [Medication Administration Record]. Ask another employee familiar with the resident if you have any questions. Ask the resident their name. Administer the medication to the resident. Record the administration of the dose on the MAR by signing your initials in the appropriate box on the MAR after medication administered...”.

A review of Evenglow’s “Housekeeping Guide” states “Monday- Pull and clean under bed, clean overbed light and bulletin board (1st week of the month all beds washed). Make sure each resident has paper towels and toilet paper. Tuesday- Clean every resident bathroom (toilet, sink, handrails, mirror, light, floor, and vent in bathroom). Wednesday – Dust all residents furniture, move chair/clean under, move other pieces of furniture if able. Make sure each resident has paper towels and toilet paper. Thursday – Do resident windows, windowsills and blinds. One room a week on each floor remove privacy curtains to be laundered, then put back up. Friday – Scrub/mop every resident room floor. Clean handrails down the hall, as well as door handles and crash bars on hall doors. Make sure every resident has paper towels and toilet paper. Everyday items – Check with nursing to get list of incontinent residents to check those floors daily. Other then Tuesday, every other day spot clean/check resident restrooms. Collect garbage in rooms and bathrooms daily. Clean/spot mop dining rooms and kitchenette after breakfast and lunch.

Vacuum carpeted areas on your floor. Clean shower rooms and short hall restrooms daily. Clean rooms of discharges by end of day if sufficient time or 1st thing next morning. Monthly items – work in offices on each floor through the month to keep them clean. Weekends – Collect garbage in resident rooms and bathrooms. Spot clean rooms [sic] needed, and bathrooms needed. Clean rooms opened by discharges. Spot clean both dining rooms after breakfast and lunch. Put clothing protectors in washer/fold. Clean short hall bathrooms. Special – Clean front restrooms of tower and reception working in depending on timing. Clean basement restrooms in old tower worked in timing.”

The HRA reviewed Evenglow’s “Resident Rights” policy. The policy states “Your facility must provide services to keep your physical and mental health, and sense of satisfaction with yourself, at their highest practical levels. Your facility must be clean and stay at a healthy temperature ... You have the right to be in charge of taking your own medication if the interdisciplinary team and your doctor say you are able to do so. You have the right to refuse any medical treatment. If you refuse a treatment, your facility must tell you what may happen because of your refusal and tell you of other possible treatments ... Your facility must let you see reports of all inspections by the Illinois Department of Public Health, from the last 5 years and the most recent survey of your facility including any plans of correction. The facility must also have reports from the last 3 years for any surveys, certifications, complaints investigations and any plans of correction available to review upon request. You do not lose your rights as a US citizen because you live in a long-term care facility ... You have the right to present grievances: to your facility and get a prompt response, your facility may not threaten or punish you in any way for asserting your rights or presenting grievances ...”.

The “Dietary Services General Policies” state “The objectives of the Dietary Department will be to: Plan menus to meet the nutritional and therapeutic needs of the residents in accordance with physician’s orders. Prepare and serve attractive and satisfying meals under high standards of sanitation for residents and personnel. Provide a ready reference to established policies and procedures to ensure that the goal of providing quality food service is maintained ... Dietary personnel are responsible for assuring that residents are served the correct diet. Prior to serving the tray, dietary personnel will check the information sheet to assure that it is correct. Food likes and dislikes are recorded by dietary department. The director of nursing and consultant review the resident’s nutritional problems and coordinate all resolutions. Recommendations are then presented to the attending physician for approval ... Dish and utensil cleaning is in a separate area from the food service line to assure that the facility can maintain a sanitary environment. Hand washing facilities in the kitchen are separate from the food preparation and dishwashing equipment. All floors in the food preparation and storage areas are cleaned and sanitized after each use ... At least three meals or their equivalent are served daily, at regular times, with not more than a fourteen-hour span between the evening meal and breakfast. Ample time is provided between each meal to assure that unhurried meals are prepared to meet the nutritional needs of each resident. Between meal foods are available for those residents who request them. Bedtime snacks of nourishing quality are offered routinely to all residents not on diets prohibiting bedtime nourishment. All meals follow dietary allowances including protein, vitamins, fluids, fruits and vegetables as required by state and federal regulations ... Menus shall provide a variety of foods and indicate standard portions at each meal. Menus shall be varied for the same day of consecutive weeks. A cycle menu is used. The cycle is four weeks in duration and revised

quarterly per season. Menus are planned with consideration of cultural background and food habits of residents ... Upon admission the director of dining services will interview the resident to determine the foods likes and dislikes. An always available menu is available for residents who may choose another menu option such as soup, sandwiches, hamburger, salad, grilled cheese, etc. on any day. Nursing staff shall notify dietary if any changes need to be made to meet the resident's needs. The changes will be made to the diet order. The director of dining services shall investigate complaints to see if substitutions can be made."

A review of the "Nursing Department policy and Procedure Manuel" states "Evenglow will meet or exceed minimum direct care staffing requirements ... The number of staff who provide direct care who are needed at any time in the THC (The Health Center) shall be based on the needs of the residents and at least the minimum direct care staffing rations, and shall be determined by figuring the number of hours of direct care each resident needs on each shift of the day ... For the purpose of computing staff to resident ratios, direct care staff shall include the following as long as the person is assigned to duties consistent with the identified job title and documented in the employee time schedules ... As required by IDPH guidelines, the minimum staffing ratios shall be 3.8 hours of nursing and personal care each day for a resident needing skilled care and 2.5 hours of nursing and personal care each day for a resident needing intermediate care. A minimum of 25% of nursing and personal care time shall be provided by licensed nurses, with at least 10% of nursing and personal care time provided by registered nurses. Calculations of minimum staffing will involve multiplying the total of the skills residents' times the number of the overall hours for a single skilled care resident, and multiplying the total intermediate care residents by the total employee hours for a single intermediate care resident. Add the two products for the total hours required. Multiplication of this total by 25% will provide the minimum number of licensed nurse time to be provided in a 24-hour period. Multiplication of this number by 10% will produce the minimum hours of RN (registered nurse) time provided during a 24-hour period. The remaining 75% of the time may be provided by staff in the other categories provided it can be documented that they provide direct care and as long as the nursing care is provided within the scope of the Nurse Practice Act."

Record Review:

The HRA reviewed four weeks of menus for residents at Evenglow. The residents are served 3 meals a day, 7 days a week. An example of the breakfast menu includes hot cereal/ Oatmeal or cream of wheat, egg of choice, bacon or sausage, breakfast hashbrowns, breakfast bread, biscuits and gravy, yogurt or fruit cup or pudding. An example of the lunch menu includes Fried chicken, mashed potatoes and gravy, country green beans with bacon and onion, french onion pork chop, buttered corn on the cob, cheese herb biscuit and fruit cobbler. An example of the dinner menu includes chicken noodle soup, egg salad sandwich, potato chips, marinated cucumber and onions, stuffed green peeper, tossed salad, dinner roll and ice cream sundae.

The HRA was provided a copy of an exit conference complaint conducted by the Illinois Department of Public Health. The nature of the complaint states "neglect, improper nursing care, insects/rodents/pests, housekeeping, and poor prep/quality (cold food)." The "preliminary survey team findings" states "no findings".

The HRA reviewed a task report that shows any maintenance orders for “pests” from 8/10/23 to 10/17/23 and the report had no results. Additionally, the HRA reviewed a “grievance log” which only showed 2 grievances filed by residents. Both grievances were for “missing item”.

The HRA reviewed redacted Medication Administration Records (MAR) for the month of August 2023 for 10 residents. All 10 residents were prescribed a medication for pain. The MAR indicates all the patients received their medication on time daily. The HRA also reviewed redacted MAR for 10 patients in September 2023. Again all 10 residents received their medications on time daily. There was one resident who are prescribed “Lidocaine external patch” to be topically administered daily at 6am. The MAR indicates this resident was given the patch on time if not early daily. Another resident was prescribed “Aquaphor Advanced therapy External Ointment” to be given daily at 7am and 3pm. Almost daily the resident received the ointment anywhere from 1 hour to 5 hours late. This same resident was also prescribed “Nystatin External Powder” to be given daily at 3pm and 11pm. Again, almost daily the MAR indicates the powder would be applied anywhere from 30 minutes to 5 hours late.

Conclusions

Complaint 1. Inadequate treatment

The Skilled Nursing and Intermediate Care Facilities Code (77 Il Admin Code 300.1630) states “a) All medications shall be administered only by personnel who are licensed to administer medications, in accordance with their respective licensing requirements. Licensed practical nurses shall have successfully completed a course in pharmacology or have at least one year's full-time supervised experience in administering medications in a health care setting if their duties include administering medications to residents. 1) Medications shall be administered as soon as possible after doses are prepared at the facility and shall be administered by the same person who prepared the doses for administration, except under single unit dose packaged distribution systems. 2) Each dose administered shall be properly recorded in the clinical record by the person who administered the dose. (See Section 300.1810.) 3) Self-administration of medication shall be permitted only upon the written order of the licensed prescriber. b) The facility shall have medication records that shall be used and checked against the licensed prescriber's orders to assure proper administration of medicine to each resident. Medication records shall include or be accompanied by recent photographs or other means of easy, accurate resident identification. Medication records shall contain the resident's name, diagnoses, known allergies, current medications, dosages, directions for use, and, if available, a history of prescription and non-prescription medications taken by the resident during the 30 days prior to admission to the facility. c) Medications prescribed for one resident shall not be administered to another resident.”

The Nursing Home Care Act (210 ILCS 45/2-101) states “No resident shall be deprived of any rights, benefits, or privileges guaranteed by State or federal law, the Constitution of the State of Illinois, or the Constitution of the United States solely on account of his or her status as a resident of a facility. Residents shall have the right to be treated with courtesy and respect by employees or persons providing medical services or care and shall have their human and civil rights maintained in all aspects of medical care as defined in the State Operations Manual for

Long-Term Care Facilities. In accordance with [42 CFR 483.10](#), residents shall have their basic human needs, including, but not limited to, water, food, medication, toileting, and personal hygiene, accommodated in a timely manner, as defined by the person and agreed upon by the interdisciplinary team. Residents have the right to maintain their autonomy as much as possible.”

The complaint alleges the facility is understaffed which is affecting resident care. Allegedly, residents are having to wait more than 4 hours for pain medication or to see a nurse. The HRA reviewed redacted Medication Administration Records for 10 residents for the month of August 2023 and another 10 residents for the month of September 2023. According to the record all 20 residents received their medication on time daily. Staff stated residents have a call button in their room to call a nurse at any time. Administration can see how long it takes staff to respond to the resident’s request and staff respond in a timely manner. Staff stated they have never had any resident or family complain about not receiving medication or the care they receive at Evenglow. Therefore, the East Central Human Rights Authority concludes that the recipient’s rights were not violated, and the complaint is **unsubstantiated**.

The MAR for one resident indicates the resident is to receive an ointment twice a day. The MAR indicates the ointment is topically applied anywhere from 30 minutes to 5 hours late every day. The HRA **strongly suggests** Evenglow Senior Living ensure all residents are given topical ointments and powders on time daily.

Complaint 2. Inhumane treatment

The Skilled Nursing and Intermediate Care Facilities Code (77 Il Admin Code 300.2220) states “a) Every facility shall have an effective plan for housekeeping including sufficient staff, appropriate equipment, and adequate supplies. Each facility shall: (B) 1) Keep the building in a clean, safe, and orderly condition. This includes all rooms, corridors, attics, basements, and storage areas. (B) 2) Keep floors clean, as nonslip as possible, and free from tripping hazards including throw or scatter rugs. 3) Control odors within the housekeeping staff’s areas of responsibility by effective cleaning procedures and by the proper use of ventilation systems. Deodorants shall not be used to cover up persistent odors caused by unsanitary conditions or poor housekeeping practices.”

The Skilled Nursing and Intermediate Care Facilities Code (77 Il Admin Code 300.2050) states “Each resident shall be served food to meet the resident's needs and to meet physician's orders. The facility shall use this Section to plan menus and purchase food in accordance with the following Recommended Dietary Allowances of the Food and Nutrition Board of the National Research Council, National Academy of Sciences.”

The Skilled Nursing and Intermediate Care Facilities Code (77 Il Admin Code 300.2080) states “a) Menus, including menus for ‘sack’ lunches and between meal or bedtime snacks, shall be planned at least one week in advance. Food sufficient to meet the nutritional needs of all the residents shall be prepared for each meal. When changes in the menu are necessary, substitutions shall provide equal nutritive value and shall be recorded on the original menu, or in a notebook marked "Substitutions", that is kept in the kitchen. If a notebook is used to document

substitutions, it shall include the date of the substitution; the meal at which the substitution was made; the menu as originally written; and the menu as actually served.”

The complaint alleges the facility has unsanitary living conditions. Allegedly the facility is infested with bed bugs and roaches. The HRA conducted a physical inspection of the facility. The HRA did not observe any bed bugs or roaches while at the facility. The HRA observed the facility to be clean and sanitary. The Illinois Department of Public Health also did a physical inspection of the facility which resulted in no findings of unsanitary living conditions. Additionally, the complaint alleges the food at the facility is inedible and residents are going to bed without eating. Evenglow’s “Dietary Services General Policies” states “an always available menu is available for residents who may choose another menu option such as soup, sandwiches, hamburger, salad, grilled cheese, etc. on any day.” The facility’s dietary director interviews all residents to learn of their food likes and dislikes. Staff stated residents are also offered a bedtime snack if they have not dietary restrictions. The HRA did not review any complaints or grievances regarding food at the facility since staff stated they had no complaints or grievances from residents. Therefore, the East Central Human Rights Authority concludes that the recipient’s rights were violated, and the complaint is **unsubstantiated**.

RESPONSE

Notice: The following page(s) contain the provider response. Due to technical requirements, some provider responses appear verbatim in retyped format.

**ADDRESS**

215 E. Washington St.
Pontiac, IL 61764

CONTACT

(815) 844-6131
evenglow.org

November 30, 2023

Ms. Lara Davis
Disability Rights Manager
IL Guardianship & Advocacy Commission
2125 South First Street
Champaign, IL 61820

Dear Ms. Davis,

Thank you for visiting Evenglow Senior Living on October 30, 2023. We are in receipt of the Report of Findings regarding HRA Case #24-060-9007.

Attached please find Evenglow's response to the suggestions made in the report. Should the Authority vote to make their findings part of the public record, we would like our response included with any publicly released report.

Please feel free to contact me if you have any questions.

Sincerely,

EVENGLOW SENIOR LIVING

Cindy Wegner
President & CEO

Attachments: Facility Response to Findings
(2) Examples
IGAC Response Request Form

**Evenglow Senior Living
Response to Report of Findings
Case # 24-060-9007**

Page 6, paragraph 1, sentences 3-6 of the report of findings state the following:

“Another resident was prescribed ‘Aquaphor Advanced Therapy External Ointment’ to be given daily at 7am and 3pm. Almost daily the resident received the ointment anywhere from 1 hour to 5 hours late. This same resident was also prescribed ‘Nystatin External Powder’ to be given daily at 3pm and 11pm. Again, almost daily the MAR indicates the powder would be applied anywhere from 30 minutes to 5 hours late.”

To clarify and provide context, the actual orders as prescribed on the MAR are as follows:

- “Aquaphor Advanced Therapy External Ointment, apply to (specific area) topically every day and evening shift for dry skin.”
- “Nystatin External Powder, apply to (specific areas) topically every evening and night shift for redness.”

It's essential to note that the Medication Administration Record (MAR) specifies only the shift (day, evening, or night) during which the administration should occur, not precise times. The listed times (0700, 1500, or 2300) on the MAR serve as a reference for the nurse to record the actual administration time within the designated shift.

For example (See attached):

On 9/01/23 the MAR for the Aquaphor shows the scheduled time as 07:00 (day shift) and the nurse documented that it was applied at 09:15, which is during the day shift.

On 9/23/23 the MAR for the Nystatin shows the scheduled time as 15:00 (evening shift) and the nurse documented that it was applied at 20:34, which is during the evening shift.

Therefore, the facility is adhering to the treatment administration orders. The assertion on page 7, paragraph 2, where the HRA "strongly suggests" that Evenglow ensures timely topical treatments for all residents, is unnecessary given the facility's compliance with treatment administration protocols.

Thank you for your review of this matter.