



FOR IMMEDIATE RELEASE

**East Central Regional Human Rights Authority
Report of Findings
Case 10-060-9002 and 10-060-9003
Helia Healthcare of Urbana**

The East Central Regional Human Rights Authority (HRA), a division of the Illinois Guardianship and Advocacy Commission, accepted for investigation the following allegations concerning nursing home services at Helia Healthcare located in Urbana, Illinois.

Complaints:

#10-060-9002: A recipient's trust fund has missing funds.

#10-060-9003: A recipient's trust fund has missing funds and clothing could not be located.

If found substantiated, the allegations would be violations of the Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Admin. Code 300) and the Nursing Home Care Act (210 ILCS 45).

COMPLAINT STATEMENT

Per the complaints, two recipients as of April of 2009 were moved to different nursing homes due to the closing of Helia Nursing Home in Urbana Illinois. The first complaint was that a resident's nursing home trust fund appears to be missing. Per the second complaint another resident was discharged and the facility failed to release her clothing and again the resident's nursing home trust fund appears to be missing.

FINDINGS

Helia Healthcare of Urbana was a skilled nursing facility which had closed and had a very quick transfer of residents. We completed our investigation at another Helia Healthcare location in Champaign, IL. Helia Healthcare of Champaign is a skilled nursing facility. At the time of the interviews, both residents of the closed nursing home had their funds and property returned to them.

Interviews:

Per the associate administrator, the types of services provided are nursing, feeding tube care, diabetes care, physical therapy, occupational therapy, diet change, and rehabilitation care.

This facility provides care for 84 residents. Helia Healthcare of Champaign is part of the main corporation called Bridgemark Healthcare which has 9 facilities, including the one where the interview took place.

There were approximately 55-60 residents discharged due to the nursing home closing; 18 of those were transferred to Champaign and the rest were sent to other facilities in the community. The main geographic area served is Champaign County.

The typical process for discharge is that a social worker initiates a team of nursing, dietary, social work, and therapy staff who collect and review lab work, face sheets, demographics, doctor's orders, assessments and care plans. There should be a document for discharge and an evaluation as well as the doctor's approval. To protect resident's property there is a system of checks and balances. They make sure items are marked and that there is an inventory list and a personal belongings list. For the resident's personal money it is deposited into one main account with each resident having individual and separate accountings where entries are made for all activities. Residents usually use this account for shopping, beauty, sodas and takeout food. If the resident leaves the facility, the accounting department writes checks to residents. If resident is incapacitated the check is sent to the receiving facility.

For Helia Healthcare in Urbana (the facility that closed), the person who conducted the checking in and out of personal property and funds was no longer employed by Helia. She had been the social service designee. This person is someone who works like a social worker but does not have the degree in social work. Helia than has social service consultant that checks the work of this person monthly. The consultants are licensed social workers. The previous administrator was not available to interview and had been detailed to a different location outside of Champaign County.

When asked about the property and funds of the previous residents as presented in the complaint, the HRA was advised that the funds and clothing had been located. This was later verified via the guardian of these two residents. We asked program representatives about this but they did not know what happened to the resident's property or why the delay.

The HRA toured the facility, particularly resident storage areas. Rights were appropriately displayed, and there seemed to be good interaction between residents and staff. There was appropriate storage per room per resident. The dining area was pleasant. There was an outdoor secure area for residents full of floral and light.

The HRA was advised by staff and residents that the facility would return their belongings when they left. One resident that made this statement was recovering from surgery and was returning home. She had used Helia HealthCare in Champaign to recover from a previous surgery and stated that her money was returned to her as well.

Per staff a chart would be sent to the receiving nursing facility if a resident changed facilities. This would have documentation of the resident's belongings and trust fund as well as medical information.

Records:

The HRA asked to review the residents' discharge, contract, care planning information and record keeping related to their trust funds and properties. The HRA was told that these records would have been transferred to the main corporation Bridgemark Healthcare and not to the Champaign Helia Healthcare. Champaign Helia Healthcare did provide the contact information for the Director of Accounts Receivable. When the HRA contacted the Director of Accounts Receivable, it was explained that all residents' records were unobtainable at that time, that there were stacks of boxes and they would not be able to locate resident records at this time. Since the property was returned to the residents and the home which the residents had resided was closed, the HRA was satisfied and took no further action to obtain the records.

Policy Reviews

The HRA looked at the grievance procedure, rights statement, policy for personal property, and contracts in general at the facility that was still open. Helia provided a folder that was given to any new admit. It included some of the following: Resident's Rights Handbook (November 2001), Choice of Physician and Physician Policy Notification, Statement of Facility Policy to Our Residents, Advance Directives and Life Sustaining Treatment and the Statement of Illinois Law on Advance Directives, State and Federal Notifications Requirements, Resident Trust Fund Policy Notification and Authorization, Notification of Facility Policy Regarding Personal Property, Authorization to Inspect and Open Official Correspondence/Consent to the Posting of Information, Your Benefits Under Medicare, and Your Benefits Rights and Eligibility Information Under Medicaid.

For the purpose of this investigation the HRA focused on the following three areas in regard to this complaint:

- Resident's Rights Handbook
- Resident Trust Fund Policy Notification and Authorization
- Notification of Facility Policy Regarding Personal Property

In the *Resident Rights Handbook* (November 2001) rights were outlined including the right to file a grievance with the facility and the phone numbers for the Long Term Care Ombudsmen, Equip for Equality, and Illinois Department of Public Health. It also listed the Senior Help Line and Department on Aging telephone number and addresses for assistance. These rights were also posted on the facility walls

The HRA reviewed the grievance portion of *The Notification of Resident Rights (no date)*. It stated "A resident has the right to file a complaint with the Administration of this facility concerning alleged abuse, neglect, misappropriation of property or theft. The facility shall promptly investigate all complaints in a timely manner. If the complaint is not addressed by the facility administration, the resident has the right to file a complaint with the Illinois Department of Public Health concerning alleged abuse, neglect, and misappropriation of resident property in the facility. The Illinois Department of Public Health phone number is posted in the facility".

The HRA was also provided with a copy of the grievance/complaint form that Helia uses.

The document requests the nature and description of the complaint as well as someone assigned for follow up. It also documents whether the issue was resolved and who was contacted regarding the end result. It is then signed off by the department head and the administrator.

The *Resident Trust Fund Policy Notification and Authorization*, states: "Residents have the right to manage their own financial affairs and handle their own spending money. Residents also have the right to have the facility keep their own spending money. This facility has a resident trust fund available, upon the written authorization of the resident or authorized representative, to any resident that wishes to deposit funds for safekeeping. The facility will maintain a separate accounting of funds available to the resident or authorized representative. Upon discharge, all funds and final accounting will be provided to the resident, the administrator of the resident's estate, or agent legally entitled to such funds." It describes how a resident or his/her representative could access funds and hours that funds are available. It further states that quarterly statements are issued to all residents detailing account activity.

The *Notification of Facility Policy Regarding Personal Property*, under Basic Clothing Requirements: "...advises residents to have at least six changes of clothing, two pairs of washable shoes and suggests that slippers and pajamas are optional." It also states that all clothing and shoes must be in good condition.

The section entitled, Replacement of Clothing states that: "Facility will check each resident's clothing and shoes. Families will be notified as to each resident needs, if anything. Replacement clothing, properly labeled, is to be brought in by the family within two weeks of this notification. Please let an appropriate staff member know that the family is to bring in clothes before they are taken to the resident's room, so that the clothing can be properly inventoried."

"If this facility is not able to contact a family, or if the requested clothing is not brought in by the requested date, the needed items will be purchased by the facility and billed to the resident/authorized representative or the resident's trust fund account. The resident will be notified of the cost of each item prior to any purchase using trust fund moneys. No purchase will be made at any time without the prior written authorization of the resident or authorized representative."

According to the Proper Labeling of Clothing section: "the proper labeling of resident clothing before it is brought into the facility is very important. Labeled clothing is much less likely to be lost or misplaced. In respecting and preserving the resident's dignity and appearance, resident clothing should not be labeled on the outside of clothing or footwear"

The Lost or Misplaced Personal Items section states that "This facility understands the value and importance of everyone's personal property. Because we care we make every attempt to assure that your possessions are not lost, misplaced, or stolen. However, the ownership, administration, staff and residents of this facility also recognize the need to address the problem of missing personal items, whenever that situation might occur. The loss of valuable personal property is an unfortunate event and a very difficult task to manage in a long term care facility where many diverse residents reside and employees work. There are many variables to control,

including the presence of confused and/or ambulatory residents, multiple occupancy of rooms, visitation by friends and relatives, residents frequently leaving the facility, etc."

The section on Investigating Lost Personal Items states that "By defining an approach to investigate complaints of theft or misplaced personal property, the administration wishes not only to discover lost items, but also to gather information and determine potential patterns that may lead to the reduction and eventual prevention of lost items or theft.

If you are missing an item, or an apparent theft has taken place, please take the following steps:

1. Note the time, date and last know place of the missing item.
2. Report the incident to the nurse in charge with the exact description of the missing item, including the color, size and the last time and place you saw it.
3. Follow-up on the reported loss by also contacting either the administrator or designee with the description of the item, time of loss, date and color as stated above.
4. If you see someone go into a room where they do not belong, report this to the nurse in charge, or any of the people listed above. Please give a description of the person if you do not know name, along with what you saw them doing. This will be kept confidential."

As per the Discharge of Personal Property section: "The resident and/or the resident's family/authorized representative is required to remove all clothing and other personal property from the facility with 14 days after transfer or discharge. All clothing remaining in the facility after the 14 days will be considered abandoned by the resident, and the facility will take possession of the property and dispose of it without an accounting to the resident and /or family/authorized representative."

The *Notification of Facility Policy Regarding Personal Property* ends with this statement, "This facility shall not be liable for the loss of or damage to personal property, unless it has been placed in this facility's aforementioned secure area for the safekeeping of money and valuable. Please be aware of this policy and take the precautions necessary to protect your valuables."

The HRA examined a sample inventory form that documented the recipient's personal items. There are columns that list the date and description of the item.

CONCLUSIONS

Based on the evidence there are no findings for the Helia Healthcare in Champaign for not following state and federal mandates on both complaints:

1. A recipient's trust fund has missing funds.
2. A recipient's trust fund has missing funds and clothing could not be located.

In regards to personal clothing:

The Nursing Home Care Act (**210 ILCS 45/2-103**) requires that ,*"A resident shall be permitted to retain and use or wear his personal property in his immediate living quarters, unless deemed medically inappropriate by a physician and so documented in the resident's clinical record....The facility shall make reasonable efforts to prevent loss and theft of residents' property."*

Regarding property and funds:

Nursing Home regulations (**77 IL Admin. Code 300.1830**) state that, *"a) The facility shall maintain a record of any resident's belongings, including money, valuables and personal property, accepted by the facility for safekeeping. This record shall be initiated at the time of admission and shall be updated on an ongoing basis and made part of the resident's record....*

c) A separate bookkeeping system shall be maintained by the facility which accounts for all transactions affecting each resident's account. Each individual resident, or the individual resident's representative, shall have access to the record of that individual resident's account."

The Nursing Home Care Act specific to resident funds (210 ILCS 45/2-201) states the following:

"to protect the residents' funds, the facility:

(3) Shall maintain and allow, in order of priority, each resident or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, access to a written record of all financial arrangements and transactions involving the individual resident's funds.

(4) Shall provide, in order of priority, each resident, or the resident's guardian, if any, or the resident's representative, if any, or the resident's immediate family member, if any, with a written itemized statement at least quarterly, of all financial transactions involving the resident's funds.

(6) Shall keep any funds received from a resident for safekeeping in an account separate from the facility's funds, and shall at no time withdraw any part or all of such funds for any purpose other than to return the funds to the resident upon the request of the resident or any other person entitled to make such request, to pay the resident his allowance, or to make any other payment authorized by the resident or any other person entitled to make such authorization.

(8) Shall return to the resident, or the person who executed the written authorization required in subsection (2) of this Section, upon written request, all or any part of the resident's funds given the facility for safekeeping, including the interest accrued from deposits.

Section 45/2-202 of the Act states that the facility:

"(2) May accept funds from a resident for safekeeping and managing, if it receives written authorization from the resident or his guardian; such authorization shall be attested to by a witness who has no pecuniary interest in the facility or its operations, and who is not connected in any way to facility personnel or the administrator in any manner whatsoever;

“(3) Shall maintain and allow each resident access to a written record of all financial arrangements and transactions involving the individual resident's funds;

“(4) Shall provide each resident, or his representative with a written itemized statement at least quarterly, of all financial transactions involving the resident's funds”.

Helia Healthcare in Urbana should have been able to provide records of what had happened to the residents' funds or clothing, but upon verification, the matter was resolved. The HRA was given a copy of a cancelled check that was cut for one resident's missing trust fund it was dated two months after the Urbana nursing home closed. The HRA was informed by a third party that both of the residents had their property returned to them. Although the residents did not receive their funds or their missing clothing for two months, the items were ultimately returned in full so there is no rights violation.

The sister facility, Helia Healthcare in Champaign, has demonstrated the existence of written policies and procedures to protect resident property and trust funds as required. Evidence from staff interviewed and policies reviewed indicate a process of checks and balances, which promote adequate record keeping and accountability. There are no recommendations for Helia Healthcare in Champaign.

On behalf of the residents, the HRA notes that the experience of delayed access to one's only personal possessions can be very traumatic and suggests that there be a plan in place for when any Bridgemark Healthcare nursing home closes to ensure that residents' resources are returned in a more timely manner

The HRA would like to thank Helia Healthcare in Champaign for their full cooperation during the investigation.