



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY - PEORIA REGION
REPORT OF FINDINGS

Case #14-090-9009
Achievement Unlimited Inc.

INTRODUCTION

The Human Rights Authority (HRA) opened an investigation after receiving a complaint of possible rights violations at Achievement Unlimited Inc. The complaint alleged the following:

1. Inadequate food services, including serving food that does not accommodate the needs of residents and not maintaining adequate temperature for lunch given to clients to take to day training program.

If found substantiated, the allegations would violate the Mental Health and Developmental Disabilities Code (MHDD Code) (405 ILCS 5) and CILA regulations (59 II Admin Code 115).

Achievement Unlimited recently transitioned residents from an Intermediate Care Facility for the Developmentally Disabled (ICFDD) that closed. They transitioned 185 residents into 23 homes of 8 beds each. They now have 29 homes in Galesburg with 214 residents total. They geographically cover as far north as Silvas, as far west as Jacksonville, and as far east as Danville.

To investigate the allegations, HRA team members interviewed Achievement Unlimited staff members and reviewed documentation that is pertinent to the investigation. The HRA also spoke to staff at the day training facility discussed in this report.

COMPLAINT STATEMENT

Clients are being given inappropriate lunches to eat while at their day program, including raw carrots and celery sticks for clients who do not have teeth. Also, clients are being sent to day programs without cold packs in their lunches. Sometimes when lunches are sent with the cold packs, the packs are not frozen.

INTERVIEW WITH STAFF (10.25.2013)

Staff explained that they were sure that these issues are resolved and that the Office of Inspector General also investigated this issue. The ICFDD had been transporting 200 residents

to the day training facility per day and their lunches were placed in coolers and maintained with ice packs. They now use the ice packs as the new system and this is all done because the day training facility does not have proper refrigeration. Achievement Unlimited staff state that they donated 6 or 7 refrigerators to the day training program that were no longer being used at the ICFDD because of the lack of refrigeration for lunches. Staff explained that the ice packs may have been an issue in the first week or so after the transition. Since the transition, the agency has also purchased more than 200 ice packs for lunches.

Staff stated that they transitioned 150 staff from the ICFDD when it closed, and while at the ICFDD, staff were not responsible for putting ice packs in the lunches, so when they inherited the responsibility, they probably did not realize that they needed to check for the ice packs. There was a system and staff needed to acclimate but now there is refrigeration. Staff still believe that ice packs are put in the lunches because there is no guarantee that the lunch will be put a refrigerator once residents reach the day training program.

The HRA discussed the donation of refrigerators with day training program staff on 11.6.2013 and they said that 2 refrigerators were donated and the intention was not to put the resident's lunches in the refrigerators, because there were too many to fit in the refrigerators. They also stated that while transitioning from the ICFDD, there were some issues with the lunches but now the issues are much better and staff are putting ice packs in the lunches and providing the correct food for the residents. During the 11.20.2013 HRA board meeting, Achievement Unlimited staff stated that they did not have any quality assurance to show that the residents were receiving adequate lunches.

Staff explained that much like the ice packs, they had some difficulties with sending the correct foods with the resident's during the transition. They caught this issue because the day training program expressed concern. Staff are taught to substitute vegetables that the residents can not eat with another vegetable that they can eat. For example, a can of vegetable juice or cooked carrots are substituted when residents are unable to eat some vegetables. The diets are addressed through the dietary counsel. They reviewed dietary orders when the residents were first transitioned to the new facility and some of the dietary orders may have been changed but were not communicated to day training. Day training would call and alert them that the proper food was not being provided. Staff would then drive to the facility and switch the food, and this occurred until they could train the day program on the new orders. The improper food was never served to the resident because the day program caught what was sent and agency staff delivered an appropriate substitute.

During the transition, all the ICFDD's information on food was shared with the staff. They encourage the residents to be a part of packing the lunches but most of the residents are considered to be in the profound or severe range so it may be difficult for them. As far as packing the lunches, staff are not to make the sandwiches before 4am. Food is typically prepared by the 3rd shift staff. Food is prepared somewhere between 4am and 5am. It would either be the 3rd or 1st shift staff who would add the ice pack to the lunch. The lunches would be prepared and then put until the refrigerator until time to leave. The facility has low fat, low cholesterol, heart healthy menus that are rotated. The menus are developed based on resident preferences. If a resident does not like something on the menu, he/she receives a substitute. There are recipes for

all of the items that are cooked. If one of the consumers has a low salt diet, they address that for the resident without restricting others. If there is a specific dietary order, it is addressed for that resident. They all get the same food and the same diet unless there is a specific order. For example, some residents have high calorie or high protein diets.

There is a dietary council that consists of the residents who review all the menus and recipes. They discuss menu items for different holidays or if they are having family parties. The initial menu is set by the company. The facility has meetings with all staff members responsible for cooking. The physician makes the decision about resident diet orders. A dietician will make a recommendation if they are involved but the final decision is the physician's. Dieticians will be involved in something like a swallow study. The menus are posted on a refrigerator, but for dietary order changes the staff receive in-service training.

In the training prior to the residents being transitioned to the CILA homes, the residents' diet orders were reviewed, as well as the residents' likes and dislikes, behaviors, etc. All staff was trained at the same time. The dietary needs are included in the Individual Service Plan (ISP) and the physician's order (PO) would also list the prescribed diet. In every facility there is a diet order card which lists the resident's likes, dislikes, substitutions, and anything specific to the resident as well as her/her dietary order. Staff have access to all needed documents and the diet issues were short lived and immediately addressed during the transition.

FINDINGS (Including record review, mandates, and conclusion)

The HRA reviewed records and policy pertinent to the complaints in this investigation.

Complaint #1 - Inadequate food services, including serving food that does not accommodate the needs of residents and not maintaining adequate temperature for lunch given to clients to take to day training program.

With releases, the HRA reviewed a sample of 9 different residents' individual service plans. All plans were completed approximately within a month of the individual's transition dates. 7 of the plans had a specific diet in the contents, one stated that the individual used a G-tube and one did not have a specific diet but appeared to have a typo where the diet was located on other ISPs.

The HRA reviewed 9 residents' physician's orders (most from December 2013 but one from November 2013), each order had a statement concerning the patient's diet orders. The HRA reviewed 8 separate discharge staffing documents and each of them made mention of the resident's diet plan.

A letter dated January 22nd, 2014, from Achievement Unlimited staff states that there is no process or procedure regarding food preparation for individuals in the homes.

The HRA reviewed the Office of Inspector General's report of the complaint which found the complaint unsubstantiated. The report does indicate that there were issues both with the resident's receiving inadequate lunches and ice packs that are not frozen. One passage from the

report reads "[Program Manager for Day Program] She said there have been concerns regarding individual's lunches, such as inappropriate items per individual's diets, incorrect consistencies, missing items and no ice packs. [Program Manager for Day Program] said this has been an issue with several of the CILA's and not just the [House Name]. When the staff at the DT Program discovered these issues, the CILA is contacted and corrections are made and the homes will send out the correct diet for the individual. Most of the issues with diets have been resolved by the Day Program working with the CILAs, but some still occur which are being addressed."

The HRA researched state and federal mandates in accordance with the complaints raised within this report. The Illinois Administrative Code (59 Ill. Admin Code 115.250 5) regarding Standards and Licensure Requirements for Community-Integrate Living Arrangements states "Every individual receiving CILA services has the right to be free from abuse and neglect." Section 115.220 of the CILA regulations state that a Community Support Team (CST) is to guide service needs and delivery and a member of the team, the Qualified Intellectual Disability Professions (QIDP), is to ensure that services are delivered according to the service plan. Section 115.320 requires that there "...be a written quality assurance plan and ongoing activities designed to review and evaluate services to individuals, operation of programs and to resolve identified problems." The Mental Health and Developmental Disabilities Code (405 ILCS 5/2-102) requires that "A recipient of services shall be provided with adequate and humane care and services in the least restrictive environment, pursuant to an individual services plan." The Mental Health Code also states that "No recipient of services shall be deprived of any rights, benefits, or privileges guaranteed by law, the Constitution of the State of Illinois, or the Constitution of the United States solely on account of the receipt of such services" (405 ILCS 5/2-100 a)

Complaint #1 - Conclusion

The facility and day training program both admit to issues with the packed lunches for residents. The OIG report that was issued also indicates that the issue has not been resolved. Additionally, Achievement Unlimited indicated that part of the resolution of the issue was providing day training with refrigerators but there is question as to the number of refrigerators provided and if they are sufficient to handle the number of lunches. The HRA recognizes that the day training facility does state that the issue has improved, but the evidence that there were issues that still seem to be occurring, and because of this, the HRA finds this complaint **substantiated** and provides the following **recommendation**:

- Provide residents with adequate and humane care per 405 ILCS 5/2-102 and CILA regulations (59 Ill. Admin. Code 115.220) by assuring that residents are provided lunch at the proper temperature consistent with physician's orders and individual service plans. The HRA requests evidence that the facility is providing appropriate lunches for the individuals.

The HRA also offers the following **suggestion**:

- Consistent with CILA regulations (59 Ill. Admin. Code 115.320) pertaining to quality assurance including when there are identified problems in need of resolution, provide

some means of quality control to assure that frozen ice bags are being added to the lunches and the proper food is being sent with the individuals.