



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY - PEORIA REGION
REPORT OF FINDINGS

Case #14-090-9010
KCCDD, Inc.

INTRODUCTION

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

1. Inadequate maintenance of facility

If found substantiated, the allegation would violate the Illinois Department of Human Services (IDHS) regulations (59 II Admin Code 119), the Mental Health and Developmental Disabilities Code (405 ILCS 5/2-102), the Illinois Plumbing Code, and the Occupational Safety and Health Administration regulations (29 CFR 1910).

KCCDD provides developmental training and an adult day care center as well as a summer camp program for children in the summer months. They also have two industrial sites where they provide sheltered employment and a community employment program. There are approximately 400 clients at the facility with 145 employees when they are at maximum employment. They are a Commission on Accreditation of Rehabilitation Facilities (CARF) accredited agency. The agency name stands for Knowledge, Creativity, Caring, Development and Dedication.

COMPLAINT STATEMENT

According to the complaint, it takes 20 minutes for the water in the facility to get hot. Staff have been using cold water to clean clients because of the wait as per the complaint. Whenever the inspector comes, staff reportedly run the water ahead of time so that when it is inspected, the water is hot. The complaint states that specific problem units are units 10 and 16.

INTERVIEW WITH STAFF (11.6.2013)

Staff began the interview by stating that they are unaware of staff running water before the inspector arrives and it would not be something that would be condoned. The proper procedure is to run the water for 30 seconds before checking and no actions are taken to mislead anyone. The agency is comprised of older buildings that require regular maintenance. They

perform monthly safety checklists and inspect the water temperatures. The temperature ranges were inspected in the different units that are client centered and the temperature ranges were acceptable. However, staff decided that the checks were not adequate and performed a check outside of the safety ranges. In doing this it was discovered that there was a problem with the water temperatures. On one unit, there were two faucets that were next to each other and one would draw hot water while another one would not.

Staff explained that there were five and a half units where the water was not getting warm enough. They installed a new, on demand, hot water heater in the nurse's station and they changed the plumbing. They found some improvement but the issue was not resolved. They had plumbers come to the facility and the plumbers determined that hot water runs through the pipes down the unit and deadheads at the end of the unit. Then the water would cool before coming out of the faucet. To remedy the problem, plumbers were going to put in a loop system and a pump so that there is constantly hot water circulating throughout the system. They are going to start with the most critical unit first to see if it solves the problem. If the water is being circulated, it should recover faster. The water heater is in a central location and the pumps circulate the water through the building. The pumps keep the water constantly moving. There needs to be a pump on each unit to keep the water circulating. Staff thinks that the most cost effective solution is to fix the loop and then get another on demand water heater like in the nurse's station. The heating system is a boiling system and the boiler is at the far end of the system. One of the set of faucets was right by the boiler. They have 16 units in the facility and a list of all the faucets that work and do not work. The staff stated that they want to pick one unit and make sure that the proposed fix works. If it does not, then the back-up plan would be adding an on-demand, water heater unit to each unit.

They said that the plumbers could be at the facility by the next week and they wanted a few units to be completed by the end of the month. They are also going to make changes to the safety checklist where they periodically check every faucet in the building and monitor what is checked on a schedule. Some units have a different number of faucets, and one faucet produced some brown water that cleared up.

Staff had not heard of any complaints that the clients are not being cleaned properly because of the water. They have sanitary lotions and cream to help the situation while the hot water situation is being taken care of, but there is not much that can be done in the meantime. The staff are trying to implement the changes as quickly as they can. They hope to have the issue resolved by the end of December 2013. They do not actually own the building, and they agency has a foundation that can be accessed for building needs and requires a presentation of potential resolutions.

The other units that are not being fixed immediately are not high use units. Some are areas only used by staff and have less bathroom usage. The unit with the largest number of clients has hot water available. There are 5 units that are top priorities and those are considered personal care units where personal care rooms are located. Personal care rooms are for individuals with incontinency needs and similar issues. The units are typically away from classrooms so that individuals have some privacy.

Staff frequently discuss complaints but they are going to attempt and have staff become more a part of the solution and engage staff more often. Additionally, the facility is remodeling some of the rooms and they are planning on repairing the roof. They have a facilities committee that is comprised of the foundation and board members and they are going to create a plan to address the facility's needs

FINDINGS (Including record review, mandates, and conclusion)

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

Complaint #1 - Inadequate maintenance of facility

The HRA reviewed a letter sent to the HRA after its interview at the facility and dated 12.9.2013 which reviews what was discussed during the site visit and states "I am pleased to share that the solution we suggested has proved effective and we have completed three units and have the others scheduled in order of highest priority. We have not received a bill on unit 14 which was just completed but have on units 10 and 12. That documentation is enclosed." The letter goes on to state that due to the cost of the installation, the facility is "... going to proceed cautiously and make sure that the issue is resolved with each installation rather than doing them all at once and then finding out that did not resolve the issue." The HRA reviewed two invoices for an installation of a return line for hot water and insulation for unit 12 and unit 10, both dated 11/20/2013.

The HRA reviewed a water temperature check dated 10.11.13 and 10.17.13. The temperatures on 10.11.13 were as low as 68 degrees in one unit and 118.7 in another unit. On 10.17.13, the temperatures were as low as 69.8 and 74.4 and as high as 138.5. Overall, the temperatures appeared to be warmer on 10.17.13. There appeared to be variations between the two separate dates that were checked. A unit that had a kitchen faucet temperature of 68 on 10.11.13 had a temperature of 77.1 on 10.17.13. Another unit had a temperature of 106.5 on 10.11.13 and then 117.6 on 10.17.13. The variations were consistent between the days. The HRA also reviewed safety checklists dated 8.23.13, 6.27.13, 4.29.13 and 2.26.13. As stated in the interview, the same four units were consistently checked and they were units 3, 7, 12, and 16.

The facility provided a Safety and Procedure policy which states that "The members of the safety committee shall be responsible for ... Completing the safety maintenance inspection checklist for their program on a bi-monthly basis and presenting their findings at the regularly scheduled safety meeting." The facility provided the minutes from the 9.25.2013 Safety Committee Meeting, under the safety checklist section, which reads that the facility received notice from the Human Rights Committee that there was a problem with water temperatures in the buildings that had been reported to them. At that meeting, they stated that the temperatures need to generally be between 95-110 degrees and the temperatures had been taken for August the 3 units listed above and they were 73.5, 101.8 and 103.1. They stated that they need to rotate checking the units and not perform inspections on the same faucets and they would alternate between checking odd and even numbered units. They discussed being aware of conversations regarding problems with water temperatures and to report those concerns immediately so they can be addressed.

The HRA reviewed a Completion of Safety Checklist Procedure document. On the checklist one of the items states "Water temp: check water temperature and document. At the main Hawthorne Centre location, temperatures will be checked on units on a rotating basis (ex. All even numbered units during one check, all odd numbered units the next). This will be designated at the bi-monthly safety meeting."

The HRA also reviewed a document titled, "Hawthorne Centre Trouble-Shooting Guidelines Policy and Procedure." In that document, there are steps to take if there is no hot water. One set of steps illustrates actions taken if there is no water at all. If there is water, but it is not hot, staff are to check the water heater to see if it is lit and also check the circulating pump on the water heater. If it is not lit or the pump is not working, staff are to contact maintenance.

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 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)

Rule 119 states "1) The program shall have written policies which shall be reviewed annually, revised as necessary and approved by the governing body or advisory board and shall describe: ... C) The services provided in response to individual and community needs including: ... vi) Maintenance of buildings, vehicles and equipment" (59 IL ADC 119.260).

The Illinois Plumbers Code reads "'b) Applicability. These rules govern the design and installation of new plumbing or plumbing systems and the alteration of plumbing systems. They apply to all new construction and any remodeling or renovation that alters, renovates or replaces existing plumbing or plumbing systems. These rules do not apply to existing buildings unless the plumbing or plumbing system is being altered, the building use is being changed or the existing plumbing creates a health or safety hazard ... 2) Regardless of the age of the building, where a health or safety hazard exists because of an existing plumbing installation or lack thereof, the owner or his agent shall install additional plumbing or make such corrections as may be necessary to abate the hazard or violation of this Part" (77 Il Admin Code 890.110).

The Occupational Safety and Health Administration regulations state "(a) Except as provided in paragraph (b) of this section, the standards contained in this part shall apply with respect to employments performed in a workplace in a State, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, American Samoa, Guam, Trust Territory of the Pacific Islands, Wake Island, Outer Continental Shelf lands defined in the Outer Continental Shelf Lands Act, Johnston Island, and the Canal Zone. (b) None of the standards in this part shall apply to working conditions of employees with respect to which Federal agencies other than the Department of Labor, or State agencies acting under section 274 of the Atomic Energy Act of 1954, as amended (42 U.S.C. 2021), exercise statutory authority to prescribe or enforce standards or regulations affecting occupational safety or health" (29 CFR 1910.5). "(1) Scope. This section applies to permanent places of employment ... (2) Lavatories. (i) Lavatories shall be made

available in all places of employment. The requirements of this subdivision do not apply to mobile crews or to normally unattended work locations if employees working at these locations have transportation readily available to nearby washing facilities which meet the other requirements of this paragraph. (ii) Each lavatory shall be provided with hot and cold running water, or tepid running water" (29 CFR 1910.141).

Complaint #1 - Conclusion

The facility admitted that it has an issue with hot, running water at the facility and presented a resolution to the HRA. Thus, the HRA finds the complaint **substantiated**. To date, the HRA was provided billing as evidence that the facility is actively pursuing a resolution. Because of the facility is proactively seeking resolution, the HRA has no recommendations but does request evidence that the facility resolve the hot water issue.

RESPONSE

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



KCCDD, INC.

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Visit our website at kccdd.com

The mission of KCCDD is to create opportunities and provide choices to individuals to maximize their independence and optimize their potential within the community.

May 8, 2014

Guardianship and Advocacy Commission
Gene Seamon, HRA Coordinator
401 Main St. Suite 620
Peoria, IL 61602

RE: Case #14-090-9010

Mr. Seamon,

We did receive the notice that the case was substantiated. Prior to that we had submitted a response on 12/9/13 that detailed what we had already done to date and described the resolution developed by outside consultants.

Essentially the fix involved adding plumbing that "looped" or "returned" water through the units. Currently the plumbing would "dead head" at the end of each unit limiting the circulation of hot water. The looping system kept water flowing. In addition to the revamped plumbing we installed pumps to aid in the circulation but did not wire them in as we wanted to see if the looping resolved the issue. It appears that the pumps may not be necessary but will leave in place as a safeguard.

We have addressed the units that appeared to have significant issues. These units were Units 10, 12, 14, 15, and 16. The cost thus far is [REDACTED]. Please see the enclosed receipts. As each unit came on-line we monitored the water temperatures in the entire building and found that the overall system was improved by the changes. We believe that there is an accumulator effect that has eliminated issues with hot water. We will diligently monitor this and do have one unit that is not used by clients that we may choose to plumb. The water temperatures on that unit are certainly acceptable but do have room for improvement.

I hope this satisfactorily resolves all concerns of the committee. I do plan to attend the next Guardianship and Advocacy Commission meeting scheduled for May 21 at 10:00 in Galesburg.

Please advise me if additional information is needed.

Regards,

Mark Rudolph, CEO

OFFICERS: Steve Watts, President; Joe Cave, Vice President; Emily Carlson, Secretary; Stan Farmer, Treasurer

DIRECTORS: Gary Roggenkamp, John Hanlon, Sue Dutell, David Waller, Pat Engelhaupt, Steven Davis, Debra Goodwin
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