



FOR IMMEDIATE RELEASE

HUMAN RIGHTS AUTHORITY - PEORIA REGION
REPORT OF FINDINGS

Case #14-090-9012
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 abuse reporting process.

If found substantiated, the allegation would violate the Illinois Office of Inspector General's rules for reporting and investigating abuse allegations (59 IL ADC 50.20) and CILA regulations (59 Il Admin Code 115).

Achievement Unlimited recently transitioned residents from an ICFDD that recently closed. They transitioned 185 residents into 23 homes of 8 beds each. They now have 29 homes in Galesburg with 214 resident's 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.

COMPLAINT STATEMENT

An allegation of abuse occurred at a CILA home where staff reportedly grabbed a consumer. The abuse was reported to the Office of Inspector General (OIG) but the allegation was never reported to the consumer's guardian. The guardian learned about the abuse after receiving a report from the OIG.

INTERVIEW WITH STAFF (10.25.2013)

Staff explained the incident occurred on the night the facility opened and a registered nurse reported the abuse. They could not confirm or deny if the guardian was notified. It is the practice of the facility that if there is abuse or neglect, the guardian is notified. It is in their investigative committee policy that the agency contacts guardians about any allegation. The administrator of the facility is responsible for contacting the guardian. The individual who would have called the guardian in this specific case is no longer in the administrative position.

All employees undergo quarterly abuse/neglect training. The administrator was in the facility on that specific night and the staff were tense because residents were moving into the new house. After the incident occurred, the administrator for all the CILA homes in Galesburg was contacted and it was decided to report the incident. If an allegation of abuse or neglect occurs, the facility would notify the guardian by phone and, if they could not contact them, they would send a letter within 24 hours. The letter notifies the guardian of the allegation and the investigation. The notification policy applies regardless of the type of guardianship.

FINDINGS (Including record review, mandates, and conclusion)

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

Complaint #1 - Inadequate abuse reporting process.

The HRA reviewed the facility policy W5.24 that has the subject of "Investigative Committee" which reads that "Within 24 hours, the Administrator or designee shall report any incident that is a crime under state law to local police and will ensure that the guardian (if applicable) is notified of the allegation." Rule 115 reads "4) Abuse and neglect. Each agency shall have and use a process for reporting and handling instances of abuse and neglect in accordance with applicable standards, regulations and laws that shall include notification of the individual allegedly abused or neglected and his or her guardian or parent of the allegation within 24 hours after receiving the allegation." (59 Il Admin Code 115.320).

Additionally, the policy states that "Any facility employee or agent who witnesses or suspects a violation of resident rights, peer-to-peer incidents, abuse, or neglect as well as injuries of unknown source shall immediately report the matter to facility management using the following protocol ... 1. In order for the incident to be considered reported the employee or agent must speak directly to one of the following managers ..." The policy lists the managers. The policy then reads that "Within four hours of being made aware of the incident, the Administrator or designee shall report to the Office of the Inspector General ..." and then lists what could be reported. Part of what could be reported is "Any death of an individual that occurs either within a facility or community agency program or within 14 days after discharge, transfer or deflection."

The facility provided two examples of in-service education. One sample is an in-service sign-in sheet that is unsigned by staff and addresses the subject is OIG Rule 50 Training (form #GA-9). This training states the objectives are as follows: "What is reportable to OIG, definitions of abuse, physical abuse, and bodily harm, who are required reporters, time frames for reporting, OIG hotline number, how to report, including after hours reporting, consequences of not reporting, definitions of sexual abuse, sexual contact, mental abuse, financial exploitation, neglect, and egregious neglect." The staff provided another in-service education sign-in sheet with the training objective of reviewing policy, one policy being W5.24, which addresses the investigative process of abuse and neglect allegations. This in-service training is unsigned by staff. The in-service report also reads "I understand that if I witness or suspect a violation of resident rights, abuse or neglect as well as injuries of unknown source, I must immediately report

the matter to one of the following facility management: Administrator, Executive Director and Director of Operations - I will attempt contacts in the order listed. For the incident to be considered reported, I must speak directly to one of the previously mentioned facility management." The policy also reads, in section C of the procedure, that "The allegation shall be investigated by an employee who has completed investigation training conducted by OIG and has been named by the agency as a designated investigator." Then, section F of the policy reads "OIG has authority to determine that the agency may investigate the incident, or, in some instances, that OIG will conduct the investigation. An OIG investigator will communicate this determination to the person making the report, either at the time of report or in a follow-up call."

The Rule 50 states "1) If an employee witnesses, is told of, or suspects an incident of physical abuse, sexual abuse, mental abuse, financial exploitation, neglect or a death has occurred, the employee, community agency or facility shall report the allegation to the OIG hotline according to the community agency's or facility's procedures" and " 2) Within four hours after the initial discovery of an incident of alleged physical abuse, sexual abuse, mental abuse, financial exploitation or neglect, the required reporter shall report the following allegations by phone to the OIG hotline ..." (59 IL ADC 50.20).

The Rule 50 also states " Within 24 hours after initial discovery, the required reporter shall call the OIG hotline and report (as described in Section 50.30): ... B) Any death of an individual occurring within 24 hours after deflection from a residential program or facility" (59 IL ADC 50.20). Also, this section requires that "The authorized representative of the community agency or facility shall notify the victim or guardian (if applicable) and the accused that an allegation has been received within 24 hours. If the authorized representative or designee is unable to reach the guardian by phone, a letter of notification shall be sent within 24 hours."

The Rule 50 also reads "1) The Office of Inspector General shall determine whether OIG, or the community agency with OIG's investigative protocol, shall take primary responsibility for investigating the allegation. This determination shall be based on the nature of the allegation, frequency of allegations and complaints of a comparable type and knowledge of the facility or agency. 2) OIG shall determine who shall assume primary responsibility for the investigation within one day after receipt of an allegation" (59 IL ADC 50.40).

Complaint #1 - Conclusion

In reviewing the complaint and applicable policies, the HRA found that policy/procedure W5.24 has discrepancies when compared to the regulations that govern reporting requirements. The Rule 115 and OIG regulations require that guardians are to be informed of any **allegation** of abuse or neglect within 24 hours (59 Il Admin Code 115.320) while the agency's procedure seems to indicate that guardians are informed of any incident that is considered a crime within 24 hours. There are no other guardian notification requirements with regard to abuse or neglect allegations described in the policy. Because the policy indicates that the guardian is only to be notified if the situation is criminal, the HRA finds that this policy omission constitutes a violation of abuse/neglect reporting requirements and thus, **substantiates** the complaint and makes the following **recommendations**:

- Update the facility policy to comply with CILA regulations (59 IL Admin Code 115.320) and Office of Inspector General requirements (59 Ill. Admin. 50.20) regarding notification of abuse and neglect allegations to guardians and educate staff on the policy/procedural change. The HRA requests evidence of this policy update and education.
- The facility policy indicates that the Administrator has 4 hours to report the incident after being made aware of the situation, but Rule 50 indicates that the facility has 4 hours total, after initial discovery, to contact OIG (59 IL ADC 50.20). The HRA recommends the policy is updated to comply with Rule 50 and providing the HRA with evidence of the action taken on the recommendation.
- The facility policy indicates that OIG must be contacted regarding any death that occurs 14 days after deflection but Rule 50 indicates that the OIG needs contacted of a death occurring 24 hours after deflection (59 IL ADC 50.20). The HRA recommends updating the policy to comply with Rule 50 and providing the HRA with evidence of the action taken on the recommendation.

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

- Section C of the policy indicates that allegations will be investigated by an employee while section F indicates that OIG determines who investigates the allegations. The Rule 50 indicates that OIG will determine who investigates and will contact the facility within a day to inform them of this determination (59 IL ADC 50.40). The HRA suggests that the policy is updated to comply with the regulations.