

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 15G457		X2) MULTIPLE CONSTRUCTION A. BUILDING 00 B. WING _____		X3) DATE SURVEY COMPLETED 09/27/2013	
NAME OF PROVIDER OR SUPPLIER MCSHERR INC - B ST				STREET ADDRESS, CITY, STATE, ZIP CODE 4412 S B ST RICHMOND, IN 47374			
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W000000	<p>This visit was for the investigation of complaint #IN00136384.</p> <p>Complaint #IN00136384: Substantiated, federal and state deficiencies related to the allegations are cited at W104, W149, W153, W154, W157 and W189.</p> <p>Dates of Survey: September 24, 25 and 27, 2013.</p> <p>Facility Number: 000971 Provider Number: 15G457 AIMS Number: 100244800</p> <p>Surveyor: Vickie Kolb, RN</p> <p>These deficiencies also reflect state findings in accordance with 460 IAC 9. Quality Review completed 10/7/13 by Ruth Shackelford, QIDP.</p>			W000000			

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

TITLE

(X6) DATE

Any deficiency statement ending with an asterisk (*) denotes a deficiency which the institution may be excused from correcting providing it is determined that other safeguards provide sufficient protection to the patients. (see instructions.) Except for nursing homes, the findings stated above are disclosable 90 days following the date of survey whether or not a plan of correction is provided. For nursing homes, the above findings and plans of correction are disclosable 14 days following the date these documents are made available to the facility. If deficiencies are cited, an approved plan of correction is requisite to continued program participation.

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W000104	<p>483.410(a)(1) GOVERNING BODY</p> <p>The governing body must exercise general policy, budget, and operating direction over the facility.</p> <p>Based on record review and interview for 4 of 4 sample clients (A, B, C, D) and 3 additional clients (E, F and G), the facility's governing body failed to exercise general policy and operating direction over the facility to ensure:</p> <p>___The staff were adequately trained to recognize and report abuse.</p> <p>___All allegations of abuse were immediately reported to the administrator and thoroughly investigated.</p> <p>___Appropriate corrective actions were taken to ensure clients A, B, C, D, E, F and G were not subjected to abuse.</p> <p>Findings include:</p> <p>1. The governing body failed to exercise general policy and operating direction over the facility to ensure the facility implemented its policy and procedures to ensure the staff recognized and reported abuse immediately to the administrator, to ensure all allegations of abuse were thoroughly investigated, to ensure the staff were trained in regards to abuse/neglect and to ensure appropriate corrective actions were taken once abuse was identified in regards to clients A, B, C, D, E, F and G. Please see W149.</p>	W000104	<p>The staff are trained upon hire and again annually for Abuse, Neglect and Exploitation including how to recognize abuse, neglect and exploitation; definition and types of Abuse, Neglect and Exploitation, reportable incidents, who to make reports to, and the time frame in which to report an incident. All staff working in the home were re-trained by McSherr Social Worker on 10/4/13. During the training the 24 hour time frame to report was stressed. McSherr's policy will be changed to state that there will be a thorough investigation of all Abuse/Neglect allegations even if the staff admit to the allegation. In the future when an incident arises that McSherr is unsure of what the appropriate corrective actions should be, Wayne County APS has stated that McSherr is able to call for advice. Monitoring System:</p> <p>All group home staff will be re-trained in April of every year on Abuse and Neglect. Each staff will be given an oral quiz in the month of October by the House Manager and checked on a tracking sheet for compliance. House Manager will turn in the tracking sheet to the Social Worker when completed. The Social Worker will bring the</p>	10/25/2013
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	<p>2. The governing body failed to exercise general policy and operating direction over the facility to ensure all allegations of abuse for client A were immediately reported to the administrator in accordance with state law. Please see W153.</p> <p>3. The governing body failed to exercise general policy and operating direction over the facility to ensure all allegations of abuse for client A were thoroughly investigated. Please see W154.</p> <p>4. The governing body failed to exercise general policy and operating direction over the facility to ensure appropriate corrective actions were taken to ensure clients A, B, C, D, E, F and G were not subjected to abuse. Please see W157.</p> <p>5. The governing body failed to exercise general policy and operating direction over the facility to ensure the facility staff were trained were trained to recognize and report abuse immediately to the administrator for clients A, B, C, D, E, F and G. Please see W189.</p> <p>This federal tag relates to complaint #IN00136384.</p> <p>9-3-1(a)</p>		tracking sheet to the IDT meeting in November for the team to review. Persons Responsible: Direct Care Staff, House Manager, Social Worker, and IDT				

DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR MEDICARE & MEDICAID SERVICES

PRINTED: 10/31/2013

FORM APPROVED

OMB NO. 0938-0391

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W000149	<p>483.420(d)(1) STAFF TREATMENT OF CLIENTS The facility must develop and implement written policies and procedures that prohibit mistreatment, neglect or abuse of the client. Based on record review and interview for 4 of 4 sample clients (A, B, C, D) and 3 additional clients (E, F and G), the facility failed to implement its policy and procedures to ensure:</p> <p>__The staff were adequately trained to recognize and report abuse. __All allegations of abuse were immediately reported to the administrator and thoroughly investigated. __The facility took appropriate corrective action to ensure clients A, B, C, D, E, F and G were not subjected to abuse.</p> <p>Findings include:</p> <p>The facility's reportable and investigative records were reviewed on 9/24/13 at 1:30 PM. The BDDS (Bureau of Developmental Disabilities Services) report of 9/3/13 indicated "On 8/28/13 [staff #1] told her (the staff member) (staff #3) that on Sunday, Aug. 25, 2013 when client A was having a behavior and sticking her tongue out, staff member, [staff #2], grabbed [client A's] tongue and he, [staff #1], stated 'Do you want your tongue cut off?' [Staff #1] had a kitchen knife in his hand (he was fixing dinner) when he made the statement. [Staff #1]</p>	W000149	The staff are trained upon hire and again annually for Abuse, Neglect and Exploitation including how to recongize abuse, neglect and exploitation; definition and types of Abuse, Neglect and Exploitation; reportable incidents, who to make reports to, and the time frame in which to report an incident. All staff working in the home were re-trained by McSherr Social Worker on 10/4/13. During the training the time frame to report within 24 hours was stressed to all staff. McSherr's policy will be changed to state that there will be a thorough investigation of all Abuse/Neglect allegations even if the staff admit to the allegation. In the future when an incident arises that McSherr is unsure of what the appropriate corrective actions should be, Wayne County APS has stated that McSherr is able to call for advice. Monitoring System: All group home staff will be re-trained in April of every year on Abuse and Neglect. Each staff will be given an oral quiz in the month of October by the House Manager and checked on a tracking sheet for compliance. House Manager will turn in the tracking sheet to the Social Worker when completed. The	10/25/2013			

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	<p>was called in on 9/3/13 to be informed that there was a report of an allegation of abuse and was being suspended. When asked if the allegation was true, [staff #1] stated 'I did tell [client A] that if she kept sticking out her tongue that it could be cut off. Later another staff grabbed her tongue when she stuck it out again.' [Staff #1] went on to say that he was only teasing [client A] and thought it might get her to stop sticking out her tongue. After he was talked with about how this statement could be considered a threat and threats are considered abuse, [staff #1] stated that he now realized that was not a good thing to say. [Staff #2] was called in on 9/3/13 to be informed that there was a report of an allegation of abuse and was being suspended. When asked if the allegation was true, [staff #2] stated, '[Client A] did stick her tongue out and I did act like I was going to get it, but never touched her tongue. [Staff #1] did say let's cut it off and had a knife in his hand, but was in the kitchen and never came into [client A's] room. We was just joking around with her, we never touched her.' [Staff #1 and staff #2] will be suspended for three days without pay. They will be able to return to work after they have participated in the following: 1) McSherr's CEO will retrain [staff #1 and #2] on CPI (Crisis Prevention Institute), which trains staff how to deal with agitated individuals and</p>		<p>Social Worker will bring the tracking sheet to the IDT meeting in November for the team to review. Persons Responsible: Direct Care Staff, House Manager, Social Worker, and IDT.</p>				

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	<p>will focus on the appropriate communication with residents. (This will be done on 9/6/13). 2) McSherr's SSD (Social Services Director) will counsel and retrain [staff #1 and staff #2] on Abuse/Neglect and on the appropriate types of communication/verbalization with residents. (This will be done by 9/5/13). When [staff #1 and staff #2] return back to work, there will be a minimum of 2 random drop in to observe their interactions with the residents. These will be done by the House Manager or the SSD. Any suspension or reports of inappropriate behavior toward the residents by [staff #1 or staff #2] will result in immediate termination. The facility records indicated no investigation in regards to the allegation of abuse for client A.</p> <p>A Suspected Client Abuse and/or Neglect Report dated 9/3/13 indicated on 8/25/13 staff #1, staff #3 and staff #7 were sitting together at a table at the group home when staff #1 told staff #3 and staff #7 "On Sunday the 25th [client A] was having a behavior and sticking her tongue out and [staff #2] pulled it and he (staff #1) had a knife in his hand and threatened to cut her (client A's) tongue off."</p> <p>Review of staff #1's employee counseling records on 9/24/13 at 2 PM indicated:</p>				

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	<p>__9/6/13 "[Staff #1] admitted that he told [client A] that if she kept sticking her tongue out it could be cut off. This is type of communication with a resident is inappropriate (sic)." The record indicated staff #1 would be suspended for 3 days without pay and would be able to return after retraining on abuse/neglect.</p> <p>__9/12/13 indicated "A report was made to APS (Adult Protective Services) as required. APS has contacted McSherr because they were unhappy with our decision to re-train and keep employment status as active. Adult Protective Services has suggested that we terminate employment. [Staff #1] will be terminated effective immediately."</p> <p>Review of staff #2's employee counseling records on 9/24/13 at 2 PM indicated:</p> <p>__9/6/13 "[Staff #2] admitted that [client A] had been sticking her tongue out and she [staff #2] acted like she was going to get her tongue, but never touched her tongue. This is inappropriate behavior from staff toward residents." The record indicated staff #2 would be suspended for 3 days without pay and would be able to return after retraining on abuse/neglect.</p> <p>__9/12/13 indicated "A report was made to APS as required. APS has contacted McSherr because they were unhappy with our decision to re-train and keep employment status as active. Adult</p>						

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	<p>Protective Services has suggested that we terminate employment. [Staff #2] will be terminated effective immediately."</p> <p>Review of the facility staffing schedules for August and September 2013 on 9/25/13 at 4 PM indicated: ___ Staff #1 was off work September 3, 4, 5, 6 and 7, 2013 and returned to work with clients A, B, C, D, E, F and G on September 8, 9, 10, 11 and 12, 2013. ___ Staff #2 worked with clients A, B, C, D, E, F and G on September 4, 5, 8, 11 and 12, 2013. ___ The facility staffing schedules did not indicate staff #2 was suspended after the allegations of abuse of client A were made.</p> <p>During interview with client D on 9/24/13 at 4:45 PM, client D stated, "He (staff #1) was always teasing us (clients A, B, C, D, E, F and G), but I don't think he meant it to be mean or anything."</p> <p>During interview with client G on 9/24/13 at 4:50 PM, client G stated staff #1 would tease "everybody" (clients A, B, C, D, E, F and G). When asked if staff #1 was mean when he was teasing everybody, client G looked down, got up from the bed and stated, "No" and left the room.</p> <p>During interview with staff #5 on 9/24/13</p>						

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	<p>at 5:10 PM, staff #5 stated, "For the last few months I've had some concerns about [staff #1]. He [staff #1] seemed to be getting more impatient with them (clients A, B, C, D, E, F and G) and I felt like I had to watch out for them (the clients). I don't know if he (staff #1) was under more stress or what was going on." Staff #5 stated staff #1 would "frequently" tease the clients. Staff #5 stated she had worked August 25th and did not witness staff #1 or staff #2 threaten to cut off and/or pull client A's tongue. Staff #5 stated, "I think I was in the back part of the house helping with baths when it was supposed to have happened." Staff #5 stated staff #1 and staff #2 were related, sister and brother, "which made it difficult at times since they were related."</p> <p>During interview with staff #3 on 9/24/13 at 5:30 PM, staff #3 stated she was sitting at the group home dining room table with staff #1 and staff #7 on 8/28/13 when staff #1 began "boasting" about an incident that happened on 8/25/13. Staff #3 stated "He (staff #1) said he told [client A] he was going to cut off her tongue if she didn't stop sticking it out and [staff #2] grabbed her [client A's] tongue and pulled it." Staff #3 stated, "It was like he (staff #1) was bragging about it or something." When asked did she report the allegation of abuse, staff #3</p>						

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	<p>stated, "Not immediately, I didn't know who to report it to and I was concerned because they (staff #1 and staff #2) were sister and brother and she (staff #7) was his (staff #1's) cousin and it would be pretty obvious who reported it." Staff #3 stated "a few days later I told another staff what he [staff #1] had told me and she [staff #6] told me I had to report it. I wasn't sure who I was to report it to." Staff #3 indicated staff #6 instructed staff #3 to talk to the HM (House Manager) and if staff #3 did not feel comfortable with talking to the HM then she should report it to the SSD. Staff #3 stated, "I got written up for not reporting it when I first heard it." Staff #3 stated, "But I didn't know what to do. They (staff #1, staff #2 and staff #7) were all related and it would have been my word against theirs, so to speak." Staff #3 stated, "I think we need more training."</p> <p>During interview with client B on 9/24/13 at 5:45 PM, when asked if any of the staff would tease him (client B) and/or his housemates, client B did not respond to the question. Client B looked away and stated, "Staff are nice to me."</p> <p>Interview with staff #6 on 9/25/13 at 11 AM indicated on 9/3/13 staff #3 told staff #6 of an incident involving staff #1, staff #2 and client A. Staff #6 indicated staff</p>						

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	<p>#3 told her staff #1 had threatened to cut off client A's tongue with a knife and staff #2 had pulled client A's tongue. Staff #6 stated "I told her she had to report it and told her to talk to [the HM] and if she didn't feel comfortable with her (the HM) then she should talk to [the SSD]." Staff #6 indicated she talked with the HM and informed the HM she needed to talk to staff #3. Staff #6 indicated staff #3 didn't know who to talk to because staff #1, #2, #4 and #7 were related to each other and many times worked together which made it difficult for other staff members if there was a difference of opinion.</p> <p>Interview with the SSD on 9/25/13 at 12 PM indicated on 9/3/13 staff #6 reported an allegation of abuse in regard to staff #1 threatening to cut off client A's tongue and staff #2 pulling client A's tongue. The SSD indicated staff #1 and #2 were immediately called into the office for a meeting with herself (the SSD) and the CFO (Chief Financial Officer). The SSD stated "[Staff #1] said, 'But I was only teasing and I just held the knife and said if she (client A) didn't stop sticking out her tongue I was going to cut it off.' Both of them (staff #1 and staff #2) admitted to the allegation." After meeting with staff #1 and staff #2, the SSD indicated the CFO asked her, "Do we not give second chances?" The SSD stated, "I should have</p>			

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	gone with my gut feelings." The SSD stated her first reaction was to terminate both employees, "We (the SSD and the CFO) decided to give them a second chance but told them if this was ever to happen again they would be terminated." When asked if the facility policy on abuse and neglect indicated employees would be given a second chance when found guilty of abuse/neglect, the SSD stated, "No." The SSD indicated staff #1 and staff #2 received 3 days suspension and were retrained in abuse, neglect and mistreatment and allowed to return to work with clients A, B, C, D, E, F and G on 9/8/13. The SSD indicated she was contacted by APS on 9/10/13 and asked to meet on 9/11/13 with APS and the Prosecuting Attorney in regard to the allegations of abuse made toward client A. The SSD indicated on 9/12/13, after meeting with APS and the Prosecuting Attorney, staff #1 and staff #2 were terminated from employment. When asked if the allegation of abuse was investigated, the SSD stated, "They (staff #1 and staff #2) both admitted to it. I guess I didn't see any reason to investigate it since they both confessed. I have never had anyone confess to any allegations before." The SSD indicated all staff were to report all allegations of abuse, neglect and/or mistreatment immediately to the HM and/or to the SSD who in turn			

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	<p>reported to the RD (Residential Director/Administrator). The SSD indicated staff #3 was counseled for not reporting the allegations immediately. The SSD indicated she had not spoken with and/or interviewed staff #7 to ask why staff #7 did not report the allegations of abuse as staff #7 was sitting at the table at the same time staff #1 was talking of cutting off client A's tongue and staff #2 pulling client A's tongue. The SSD stated, "I didn't think about it at the time." "I should have talked to her (staff #7) to find out why she didn't report the allegations too."</p> <p>Review of the 8/2013 revised facility policy "Abuse, Neglect and Exploitation" on 9/24/13 at 2:45 PM indicated: ___ "All staff of McSherr Residential Services will ensure that clients are not subjected to physical, verbal, sexual, or psychological abuse or punishment.... If a staff suspects that an individual (including but not limited to: facility staff... has committed an act of abuse (willful) or neglect against a client, they are to report the incident...." ___ Abuse to be defined as "Any act that constitutes a violation of the prostitution or criminal sexual conduct statutes, the non-therapeutic conduct that produces or could reasonably be expected to produce pain or injury and is not accidental, or any</p>						

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	<p>repeated conduct that produces or could reasonably be expected to produce emotional distress...."</p> <p>__ Maltreatment to be defined as "Any act or failure to act on the part of a parent or caregiver, which results in death, serious physical or emotional harm, sexual abuse or exploitation, or which presents an imminent risk of harm."</p> <p>__ "The individual who suspects client abuse and/or neglect may make a report to representatives of McSherr Inc. or directly to the appropriate outside authorities.</p> <p>__ "If the individual chooses to report the suspected abuse/neglect to representatives of McSherr inc. they will: a. immediately inform the House Manager and Social Worker of the suspected client abuse and/or neglect, b. immediately complete a Suspected Client Abuse and/or Neglect Report form, c. submit the completed Suspected Client Abuse and/or Neglect Report form to the House Manager or Social Worker and d. If other staff members are identified as having knowledge of the incident, they will be requested to complete a Suspected Client Abuse Neglect and/or Exploitation form."</p> <p>__ The Social Worker "informs the Residential Director (administrator).</p> <p>__ "The Social Worker will conduct an immediate initial investigation into the suspected adult client abuse, neglect, or exploitation. The Social Worker will</p>						

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	<p>interview all witnesses/potential witnesses of the incident...."</p> <p>This federal tag relates to complaint #IN00136384.</p> <p>9-3-2(a)</p>			

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W000153	<p>483.420(d)(2) STAFF TREATMENT OF CLIENTS The facility must ensure that all allegations of mistreatment, neglect or abuse, as well as injuries of unknown source, are reported immediately to the administrator or to other officials in accordance with State law through established procedures. Based on record review and interview for 1 of 3 allegations of abuse reviewed, the facility failed to ensure all allegations of abuse for client A were immediately reported to the administrator in accordance with state law.</p> <p>Findings include:</p> <p>The facility's reportable and investigative records were reviewed on 9/24/13 at 1:30 PM. The BDDS (Bureau of Developmental Disabilities Services) report of 9/3/13 indicated "On 8/28/13 [staff #1] told her (the staff member) (staff #3) that on Sunday, Aug. 25, 2013 when client A was having a behavior and sticking her tongue out, staff member, [staff #2], grabbed [client A's] tongue and he, [staff #1], stated 'Do you want your tongue cut off?' [Staff #1] had a kitchen knife in his hand (he was fixing dinner) when he made the statement. [Staff #1] was called in on 9/3/13 to be informed that there was a report of an allegation of abuse and was being suspended. When asked if the allegation was true, [staff #1]</p>	W000153	The staff are trained upon hire and again annually for Abuse, Neglect and Exploitation including how to recognize abuse, neglect and exploitation; definition and types of Abuse, Neglect and Exploitation; reportable incidents, who to make reports to, and the time frame in which to report an incident. All staff working in the home were re-trained by McSherr Social Worker on 10/4/13. During the training the time frame to report within 24 hours was stressed to all staff. Monitoring System: All group home staff will be re-trained in April of every year on Abuse and Neglect, which will include the 24 hour time frame for reporting. Each staff will be given an oral quiz in the month of October by the House Manager and checked on a tracking sheet for compliance. The quiz will have a least one question concerning the time frame an incident needs to be reported. House Manager will turn in the tracking sheet to the Social Worker when completed. The IDT reviews all allegations of Abuse, Neglect & Exploitation monthly. Persons Responsible:	10/25/2013			

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	<p>stated 'I did tell [client A] that if she kept sticking out her tongue that it could be cut off. Later another staff grabbed her tongue when she stuck it out again.' [Staff #1] went on to say that he was only teasing [client A] and thought it might get her to stop sticking out her tongue. After he was talked with about how this statement could be considered a threat and threats are considered abuse, [staff #1] stated that he now realized that was not a good thing to say. [Staff #2] was called in on 9/3/13 to be informed that there was a report of an allegation of abuse and was being suspended. When asked if the allegation was true, [staff #2] stated, '[Client A] did stick her tongue out and I did act like I was going to get it, but never touched her tongue. [Staff #1] did say let's cut it off and had a knife in his hand, but was in the kitchen and never came into [client A's] room. We was just joking around with her, we never touched her.' [Staff #1 and staff #2] will be suspended for three days without pay...."</p> <p>A Suspected Client Abuse and/or Neglect Report dated 9/3/13 indicated on 8/25/13 staff #1, staff #3 and staff #7 were sitting together at a table at the group home when staff #1 told staff #3 and staff #7 "On Sunday the 25th [client A] was having a behavior and sticking her tongue out and [staff #2] pulled it and he (staff</p>		DST, House Manager, Social Worker, and IDT				

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	<p>#1) had a knife in his hand and threatened to cut her (client A's) tongue off."</p> <p>During interview with staff #3 on 9/24/13 at 5:30 PM, staff #3 stated she was sitting at the group home dining room table with staff #1 and staff #7 on 8/28/13 when staff #1 began "boasting" about an incident that happened on 8/25/13. Staff #3 stated "He (staff #1) said he told [client A] he was going to cut off her tongue if she didn't stop sticking it out and [staff #2] grabbed her [client A's] tongue and pulled it." Staff #3 stated, "It was like he (staff #1) was bragging about it or something." When asked did she report the allegation of abuse, staff #3 stated, "Not immediately, I didn't know who to report it to and I was concerned because they (staff #1 and staff #2) were sister and brother and she (staff #7) was his (staff #1's) cousin and it would be pretty obvious who reported it." Staff #3 stated "a few days later I told another staff what he [staff #1] had told me and she [staff #6] told me I had to report it. I wasn't sure who I was to report it to." Staff #3 indicated staff #6 instructed staff #3 to talk to the HM (House Manager) and if staff #3 did not feel comfortable with talking to the HM then she should report it to the SSD (Social Service Director). Staff #3 stated, "I got written up for not reporting it when I first heard</p>						

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	<p>it." Staff #3 stated, "But I didn't know what to do. They (staff #1, staff #2 and staff #7) were all related and it would have been my word against theirs, so to speak." Staff #3 stated, "I think we need more training."</p> <p>Interview with staff #6 on 9/25/13 at 11 AM indicated on 9/3/13 staff #3 told staff #6 of an incident involving staff #1, staff #2 and client A. Staff #6 indicated staff #3 told her staff #1 had threatened to cut off client A's tongue with a knife and staff #2 had pulled client A's tongue. Staff #6 stated "I told her she had to report it and told her to talk to [the HM] and if she didn't feel comfortable with her (the HM) then she should talk to [the SSD]." Staff #6 indicated she talked with the HM and informed the HM she needed to talk to staff #3. Staff #6 indicated staff #3 didn't know who to talk to because staff #1, #2, #4 and #7 were related to each other and many times worked together which made it difficult for other staff members if there was a difference of opinion.</p> <p>Interview with the SSD on 9/25/13 at 12 PM indicated on 9/3/13 staff #6 reported an allegation of abuse in regard to staff #1 threatening to cut off client A's tongue and staff #2 pulling client A's tongue. The SSD indicated all staff were to report all allegations of abuse, neglect and/or</p>						

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	<p>mistreatment immediately to the HM and/or to the SSD who in turn reported to the RD (Residential Director/Administrator). The SSD indicated staff #3 was counseled for not reporting the allegations immediately. The SSD indicated she had not spoken with and/or interviewed staff #7 to ask why staff #7 did not report the allegations of abuse as staff #7 was sitting at the table at the same time staff #1 was talking of cutting off client A's tongue and staff #2 pulling client A's tongue. The SSD stated, "I didn't think about it at the time." "I should have talked to her (staff #7) to find out why she didn't report the allegations too."</p> <p>This federal tag relates to complaint #IN00136384.</p> <p>9-3-2(a)</p>				

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W000154	<p>483.420(d)(3) STAFF TREATMENT OF CLIENTS The facility must have evidence that all alleged violations are thoroughly investigated.</p> <p>Based on record review and interview for 1 of 3 allegations of abuse reviewed, the facility failed to ensure all allegations of abuse for client A were thoroughly investigated.</p> <p>Findings include:</p> <p>The facility's reportable and investigative records were reviewed on 9/24/13 at 1:30 PM. The BDDS (Bureau of Developmental Disabilities Services) report of 9/3/13 indicated "On 8/28/13 [staff #1] told her (the staff member) (staff #3) that on Sunday, Aug. 25, 2013 when client A was having a behavior and sticking her tongue out, staff member, [staff #2], grabbed [client A's] tongue and he, [staff #1], stated 'Do you want your tongue cut off?' [Staff #1] had a kitchen knife in his hand (he was fixing dinner) when he made the statement. [Staff #1] was called in on 9/3/13 to be informed that there was a report of an allegation of abuse and was being suspended. When asked if the allegation was true, [staff #1] stated 'I did tell [client A] that if she kept sticking out her tongue that it could be cut off. Later another staff grabbed her tongue when she stuck it out again.' [Staff #1]</p>	W000154	<p>McSherr's Abuse, Neglect, & Exploitation policy will be changed to state that there will be a thorough investigation of all Abuse/Neglect allegations even if the staff admit to the allegation. In the future when an incident arises that McSherr is unsure of what the appropriate corrective actions should be, Wayne County APS has stated that McSherr is able to call for advice. Monitoring System: Staff have been trained to report all Incident Reports of Abuse, Neglect and Exploitation to the House Manager or Social Worker. If reported to House Manager she will contact the Social Worker who will begin an investigation within 24 hours of the report. If someone admits to the allegation there will still be a full investigation. The social worker will share the findings within 5 days to the Residential Administrator. They will discuss and decide on the appropriate actions to be taken as a result of the investigation. The IDT reviews all IR's and allegations of Abuse, Neglect, and Exploitation monthly. Persons Responsible: House Manager, Social Worker, Residential Administrator, IDT</p>	10/25/2013	

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	<p>went on to say that he was only teasing [client A] and thought it might get her to stop sticking out her tongue. After he was talked with about how this statement could be considered a threat and threats are considered abuse, [staff #1] stated that he now realized that was not a good thing to say. [Staff #2] was called in on 9/3/13 to be informed that there was a report of an allegation of abuse and was being suspended. When asked if the allegation was true, [staff #2] stated, '[Client A] did stick her tongue out and I did act like I was going to get it, but never touched her tongue. [Staff #1] did say let's cut it off and had a knife in his hand, but was in the kitchen and never came into [client A's] room. We was just joking around with her, we never touched her.' [Staff #1 and staff #2] will be suspended for three days without pay...." The facility records indicated no investigation.</p> <p>Interview with the SSD (Social Services Director) on 9/25/13 at 12 PM indicated on 9/3/13 staff #6 reported an allegation of abuse in regard to staff #1 threatening to cut off client A's tongue and staff #2 pulling client A's tongue. The SSD indicated staff #1 and #2 were immediately called into the office for a meeting with herself (the SSD) and the CFO (Chief Financial Officer). The SSD stated "[Staff #1] said, 'But I was only</p>				

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	<p>teasing and I just held the knife and said if she (client A) didn't stop sticking out her tongue I was going to cut it off.' Both of them (staff #1 and staff #2) admitted to the allegation." When asked if the allegation of abuse was investigated, the SSD stated, "They (staff #1 and staff #2) both admitted to it. I guess I didn't see any reason to investigate it since they both confessed. I have never had anyone confess to any allegations before."</p> <p>This federal tag relates to complaint #IN00136384.</p> <p>9-3-2(a)</p>				

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W000157	<p>483.420(d)(4) STAFF TREATMENT OF CLIENTS If the alleged violation is verified, appropriate corrective action must be taken. Based on record review and interview for 4 of 4 sample clients (A, B, C, D) and 3 additional clients (E, F and G), the facility failed to take appropriate corrective actions to ensure clients A, B, C, D, E, F and G were not subjected to abuse.</p> <p>Findings include:</p> <p>The facility's reportable and investigative records were reviewed on 9/24/13 at 1:30 PM. The BDDS (Bureau of Developmental Disabilities Services) report of 9/3/13 indicated on 8/28/13 staff #1 told staff #3 on 8/25/13 "when client A was having a behavior and sticking her tongue out, [staff #2] grabbed [client A's] tongue and he [staff #1], stated 'Do you want your tongue cut off?' [Staff #1] had a kitchen knife in his hand (he was fixing dinner) when he made the statement." The report indicated staff #1 was informed on 9/3/13 of the allegation of abuse and was suspended. "When asked if the allegation was true, [staff #1] stated 'I did tell [client A] that if she kept sticking out her tongue that it could be cut off. Later another staff (#2) grabbed her tongue when she stuck it out again.' [Staff #1] went on to say that he was only teasing [client A] and thought it might get her to stop sticking out her</p>	W000157	McSherr Abuse, Neglect, and Exploitation will be revised to say that all reports of Abuse, Neglect and Exploitation will be investigated within 24 hours of the initial report. If the alleged allegation is admitted to there will still be an investigation completed. This will assure that no clients are subjected to abuse. The following McSherr employees will attend Steve Corya's training of investigations on October 16, 2013 - CEO, QIDP, RN, SW, and House Managers. In the future when an incident arises that McSherr is unsure of what the appropriate corrective actions should be, Wayne County APS has stated that McSherr is able to call for advice. Monitoring System: Staff have been trained to report all Incident Reports of Abuse, Neglect and Exploitation to the House Manager or Social Worker. If reported to House Manager she will contact the Social Worker who will begin an investigation within 24 hours of the report. If someone admits to the allegation there will still be a full investigation. The social worker will share the findings within 5 days to the Residential Administrator. They will discuss and decide on the appropriate actions to be taken as a result of	10/25/2013			

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	<p>tongue. After he was talked with about how this statement could be considered a threat and threats are considered abuse, [staff #1] stated that he now realized that was not a good thing to say." The report indicated staff #2 was also suspended. "When asked if the allegation was true, [staff #2] stated, '[Client A] did stick her tongue out and I did act like I was going to get it, but never touched her tongue. [Staff #1] did say let's cut it off and had a knife in his hand, but was in the kitchen and never came into [client A's] room. We (staff #1 and staff #2) was (sic) just joking around with her, we never touched her.' [Staff #1 and staff #2] will be suspended for three days without pay. They will be able to return to work after they have participated in the following: 1) McSherr's CEO will retrain [staff #1 and #2] on CPI (Crisis Prevention Institute), which trains staff how to deal with agitated individuals and will focus on the appropriate communication with residents. (This will be done on 9/6/13). 2) McSherr's SSD (Social Services Director) will counsel and retrain [staff #1 and staff #2] on Abuse/Neglect and on the appropriate types of communication/verbalization with residents. (This will be done by 9/5/13). When [staff #1 and staff #2] return back to work, there will be a minimum of 2 random drop in to observe their</p>		<p>the investigation. The IDT reviews all IR's and allegations of Abuse, Neglect, and Exploitation monthly. Persons Responsible: House Manager, Social Worker, Residential Administrator, IDT</p>				

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	<p>interactions with the residents. These will be done by the House Manager or the SSD. Any suspension or reports of inappropriate behavior toward the residents by [staff #1 or staff #2] will result in immediate termination."</p> <p>A Suspected Client Abuse and/or Neglect Report dated 9/3/13 indicated on 8/25/13 staff #1, staff #3 and staff #7 were sitting together at a table at the group home when staff #1 told staff #3 and staff #7 "On Sunday the 25th [client A] was having a behavior and sticking her tongue out and [staff #2] pulled it and he (staff #1) had a knife in his hand and threatened to cut her (client A's) tongue off."</p> <p>Review of staff #1's and #2's employee counseling records for 2013 on 9/24/13 on 9/24/13 at 2 PM indicated: ___9/6/13 staff #1 and staff #2 were suspended for 3 days without pay and would be able to return to work after retraining on 9/6/13. ___9/12/13 APS (Adult Protective Services) contacted McSherr "because they were unhappy with our decision to re-train and keep employment status as active." APS suggested McSherr terminate staff #1 and staff #2. The counseling records indicated staff #1 and #2 were terminated from service on 9/12/13.</p>				

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	<p>Review of the facility staffing schedules for August and September 2013 on 9/25/13 at 4 PM indicated:</p> <p>__Staff #1 was off work September 3, 4, 5, 6 and 7, 2013 and returned to work with clients A, B, C, D, E, F and G on September 8, 9, 10, 11 and 12, 2013.</p> <p>__Staff #2 worked with clients A, B, C, D, E, F and G on September 4, 5, 8, 11 and 12, 2013.</p> <p>__The facility staffing schedules did not indicate staff #2 was suspended after the allegation of abuse of client A was made on 9/3/13.</p> <p>During interview with client D on 9/24/13 at 4:45 PM, client D stated, "He (staff #1) was always teasing us (clients A, B, C, D, E, F and G), but I don't think he meant it to be mean or anything."</p> <p>During interview with client G on 9/24/13 at 4:50 PM, client G stated staff #1 would tease "everybody (clients A, B, C, D, E, F and G)." When asked if staff #1 was mean when teasing client G looked down, got up from his bed, stated "No" and left the room.</p> <p>During interview with client B on 9/24/13 at 5:45 PM, when asked if any of the staff would tease him (client B) and/or his housemates, client B did not respond to</p>			

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	<p>the question. After a few seconds, client B looked away and stated, "Staff are nice to me."</p> <p>During interview with staff #5 on 9/24/13 at 5:10 PM staff #5 stated, "For the last few months I've had some concerns about [staff #1]. He [staff #1] seemed to be getting more impatient with them (clients A, B, C, D, E, F and G) and I felt like I had to watch out for them (the clients). I don't know if he (staff #1) was under more stress or what was going on." Staff #5 stated staff #1 would "frequently" tease the clients. Staff #5 stated she had worked August 25th and did not witness staff #1 or staff #2 threaten to cut off and/or pull client A's tongue. Staff #5 stated, "I think I was in the back part of the house helping with baths when it was supposed to have happened." Staff #5 stated staff #1 and staff #2 were related, sister and brother, "which made it difficult at times since they were related."</p> <p>During interview with staff #3 on 9/24/13 at 5:30 PM, staff #3 stated on 8/28/13 she was sitting at the group home dining room table with staff #1 and staff #7 when staff #1 began "boasting" about an incident that happened on 8/25/13. Staff #3 stated "He (staff #1) said he told [client A] he was going to cut off her tongue if she didn't stop sticking it out and [staff #2] grabbed</p>						

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	<p>her [client A's] tongue and pulled it." Staff #3 stated, "It was like he (staff #1) was bragging about it or something." When asked did she report the allegation of abuse, staff #3 stated, "Not immediately, I didn't know who to report it to and I was concerned because they (staff #1 and staff #2) were sister and brother and she (staff #7) was his (staff #1's) cousin and it would be pretty obvious who reported it." Staff #3 indicated she reported the allegations of abuse on 9/3/13.</p> <p>Interview with the SSD on 9/25/13 at 12 PM indicated on 9/3/13 staff #6 reported an allegation of abuse in regard to staff #1 threatening to cut off client A's tongue and staff #2 pulling client A's tongue. The SSD indicated staff #1 and #2 were immediately called into the office for a meeting with herself (the SSD) and the CFO (Chief Financial Officer). The SSD stated "[Staff #1] said, 'But I was only teasing and I just held the knife and said if she (client A) didn't stop sticking out her tongue I was going to cut it off.' Both of them (staff #1 and staff #2) admitted to the allegation." After meeting with staff #1 and staff #2, the SSD indicated the CFO asked the SSD, "Do we not give second chances?" The SSD stated, "I should have gone with my gut feelings." The SSD stated her first reaction was to</p>						

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	<p>terminate both employees, "We (the SSD and the CFO) decided to give them a second chance but told them if this was ever to happen again they would be terminated." When asked if the facility policy on abuse and neglect indicated employees would be given a second chance when found guilty of abuse/neglect the SSD stated, "No." The SSD indicated staff #1 and staff #2 received 3 days suspension and were retrained in abuse, neglect and mistreatment and allowed to return to work with clients A, B, C, D, E, F and G on 9/8/13. The SSD indicated she was contacted by APS on 9/10/13 and asked to meet on 9/11/13 with APS and the Prosecuting Attorney in regard to the allegations of abuse made toward client A. The SSD indicated on 9/12/13, after meeting with APS and the Prosecuting Attorney, staff #1 and staff #2 were terminated from employment.</p> <p>This federal tag relates to complaint #IN00136384.</p> <p>9-3-2(a)</p>				

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W000189	<p>483.430(e)(1) STAFF TRAINING PROGRAM The facility must provide each employee with initial and continuing training that enables the employee to perform his or her duties effectively, efficiently, and competently.</p> <p>Based on record review and interview for 4 of 4 sample clients (A, B, C, D) and 3 additional clients (E, F and G), the facility failed to ensure the facility staff were trained to recognize and report abuse immediately to the administrator.</p> <p>Findings include:</p> <p>The facility's reportable and investigative records were reviewed on 9/24/13 at 1:30 PM. The BDDS (Bureau of Developmental Disabilities Services) report of 9/3/13 indicated on 8/28/13 staff #1 told staff #3 on 8/25/13 "when client A was having a behavior and sticking her tongue out, [staff #2] grabbed [client A's] tongue and he [staff #1], stated 'Do you want your tongue cut off?' [Staff #1] had a kitchen knife in his hand (he was fixing dinner) when he made the statement." The report indicated staff #1 admitted to the allegation of abuse stated "I did tell [client A] that if she kept sticking out her tongue that it could be cut off. Later another staff (staff #2) grabbed her tongue when she stuck it out again.' [Staff #1] went on to say that he was only teasing [client A] and</p>	W000189	The staff are trained upon hire and again annually for Abuse, Neglect and Exploitation including how to recognize abuse, neglect and exploitation; definition and types of Abuse, Neglect and Exploitation, reportable incidents, who to make reports to, and the time frame in which to report an incident. All staff working in the home were re-trained by McSherr Social Worker on 10/4/13. During the training the 24 hour time frame to report was stressed. Monitoring System: All group home staff will be re-trained in April of every year on Abuse and Neglect, which will include the 24 hour time frame for reporting. Each staff will be given an oral quiz in the month of October by the House Manager and checked on a tracking sheet for compliance. The quiz will have a least one question concerning the time frame an incident needs to be reported. House Manager will turn in the tracking sheet to the Social Worker when completed. The Social Worker will report the findings of all investigations to the Residential Administrator within 5 days of the initial report. The IDT reviews all allegations of Abuse, Neglect &	10/25/2013			

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	<p>thought it might get her to stop sticking out her tongue. After he was talked with about how this statement could be considered a threat and threats are considered abuse, [staff #1] stated that he now realized that was not a good thing to say." The report indicated staff #2 stated, "[Client A] did stick her tongue out and I (staff #2) did act like I was going to get it, but never touched her tongue." The report indicated staff #2 said staff #1 "did say let's cut it off and had a knife in his hand, but was in the kitchen and never came into [client A's] room. We was just joking around with her, we never touched her...."</p> <p>A Suspected Client Abuse and/or Neglect Report dated 9/3/13 indicated on 8/25/13 staff #1, staff #3 and staff #7 were sitting together at a table at the group home when staff #1 told staff #3 and staff #7 "On Sunday the 25th [client A] was having a behavior and sticking her tongue out and [staff #2] pulled it and he (staff #1) had a knife in his hand and threatened to cut her (client A's) tongue off."</p> <p>Client A's record was reviewed on 9/25/13 at 10:30 AM. Client A's Daily Progress Notes indicated on 8/25/13 at 6:20 PM staff #2 documented client A was sitting at the table and started yelling at the fireplace. The note indicated client A stated "Shut up you f-----g b---h. You</p>		Exploitation monthly. Persons Responsible: Direct Care Staff, House Manager, Social Worker, Residential Administrator, and IDT				

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	<p>are a a----e. Shut the hell up." The note indicated client A stuck her tongue out at the fireplace. Staff asked client A to go to her room and calm down.</p> <p>During interview with client D on 9/24/13 at 4:45 PM, client D stated, "He (staff #1) was always teasing us (clients A, B, C, D, E, F and G), but I don't think he meant it to be mean or anything."</p> <p>During interview with client G on 9/24/13 at 4:50 PM, client G stated staff #1 would tease "everybody (clients A, B, C, D, E, F and G)." When asked if staff #1 was mean when teasing client G looked down, got up from his bed, stated "No" and left the room.</p> <p>During interview with client B on 9/24/13 at 5:45 PM, when asked if any of the staff would tease him (client B) and/or his housemates, client B did not answer. Client B looked away and stated, "Staff are nice to me."</p> <p>During interview with staff #5 on 9/24/13 at 5:10 PM staff #5 stated, "For the last few months I've had some concerns about [staff #1]. He [staff #1] seemed to be getting more impatient with them (clients A, B, C, D, E, F and G) and I felt like I had to watch out for them (the clients). I don't know if he (staff #1) was under</p>			

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	<p>more stress or what was going on." Staff #5 stated staff #1 would "frequently" tease the clients. Staff #5 stated she had worked August 25th and did not witness staff #1 or staff #2 threaten to cut off and/or pull client A's tongue. Staff #5 stated, "I think I was in the back part of the house helping with baths when it was supposed to have happened." Staff #5 indicated she had heard about the incident from other staff that worked in the group home after staff #1 was terminated. Staff #5 stated staff #1 and staff #2 were related, sister and brother, "which made it difficult at times since they (staff #1 and #2) were related."</p> <p>During interview with staff #3 on 9/24/13 at 5:30 PM staff #3 stated on 8/28/13 she was sitting at the group home dining room table with staff #1 and staff #7 when staff #1 began "boasting" about an incident that happened on 8/25/13. Staff #3 stated "He (staff #1) said he told [client A] he was going to cut off her tongue if she didn't stop sticking it out and [staff #2] grabbed her [client A's] tongue and pulled it." Staff #3 stated, "It was like he (staff #1) was bragging about it or something." When asked did she report the allegation of abuse, staff #3 stated, "Not immediately, I didn't know who to report it to and I was concerned because they (staff #1 and staff #2) were sister and</p>						

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	<p>brother and she (staff #7) was his (staff #1's) cousin and it would be pretty obvious who reported it." Staff #3 stated "a few days later I told another staff what he [staff #1] had told me and she [staff #6] told me I had to report it. I wasn't sure who I was to report it to." Staff #3 indicated staff #6 instructed staff #3 to talk to the HM (House Manager) and if staff #3 did not feel comfortable with talking to the HM then she should report it to the SSD (Social Services Director). Staff #3 stated, "I got written up for not reporting it when I first heard it." Staff #3 stated, "But I didn't know what to do. They (staff #1, staff #2 and staff #7) were all related and it would have been my word against theirs, so to speak." Staff #3 stated, "I think we need more training."</p> <p>Interview with the SSD on 9/25/13 at 12 PM indicated on 9/3/13 staff #3 reported an allegation of abuse in regard to staff #1 threatening to cut off client A's tongue and staff #2 pulling client A's tongue. The SSD indicated the incident happened on 8/25/13 and staff #3 and staff #7 were made aware of the threats of harm toward client A on 8/28/13. The SSD stated staff #1 "said he was only teasing" when he threatened to cut off client A's tongue. The SSD indicated the facility training indicated teasing could be a form of abuse and staff were to report allegations of</p>			

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	<p>abuse immediately to the HM and/or the SSD. The SSD indicated all staff were last trained on the facility abuse/neglect policy on 5/21/13. The SSD indicated staff #3 and #7 had not been retrained on recognizing and reporting of abuse since 5/21/13. The SSD indicated all staff would be retrained on the facility abuse and neglect policy in regard to recognizing and reporting abuse.</p> <p>This federal tag relates to complaint #IN00136384.</p> <p>9-3-3(a)</p>			