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| STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION | X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 15G814 | X2) MULTIPLE CONSTRUCTION A. BUILDING 00 B. WING _____ | X3) DATE SURVEY COMPLETED 08/13/2024 |
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| NAME OF PROVIDER OR SUPPLIER VOCA CORPORATION OF INDIANA | STREET ADDRESS, CITY, STATE, ZIP COD 8307 CASTLETON BLVD INDIANAPOLIS, IN 46256 |
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| W 0000 Bldg. 00 | <p>This visit was for the investigation of complaint #IN00438014.</p> <p>Complaint #IN00438014: Federal and state deficiencies related to the allegation are cited at: W149 and W154.</p> <p>Survey date: August 13, 2024.</p> <p>Facility Number: 010453 Provider Number: 15G814 AIMS Number: 201408320</p> <p>These deficiencies also reflect state findings in accordance with 460 IAC 9.</p> <p>Quality Review of this report completed by #27547 on 8/23/24.</p> | W 0000 | | |
| W 0149 Bldg. 00 | <p>483.420(d)(1) STAFF TREATMENT OF CLIENTS</p> <p>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 2 of 3 sampled clients (B and C), the facility failed to implement its policy and procedures to prevent staff from physically abusing client C, to prevent client B from accompanying client C to the ER (Emergency Room) and witnessing the physical abuse and to thoroughly investigate the reason client B was taken to the ER with client C.</p> <p>Findings include:</p> <p>The facility's BDS (Bureau of Disability Services) reports and investigations were reviewed on</p> | W 0149 | <p>CORRECTION: <i>The facility must develop and implement written policies and procedures that prohibit mistreatment, neglect, or abuse of the client. Direct Support Staff will be retrained on abuse, neglect, mistreatment and exploitation prevention, detection, and reporting.</i></p> <p>PREVENTION: An Area Supervisor or Direct Support Lead will be present,</p> | 09/12/2024 |

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| LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE | TITLE | (X6) DATE |
| Bob Morris | QIDP Manager | 08/28/2024 |

Any deficiency statement ending with an asterisk (*) denotes a deficiency which the institution may be excused from correcting providing it is determined other safeguards provide sufficient protection to the patients. (see instructions.) Except for nursing homes, the findings stated above are disclosable 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 disclosed 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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| | <p>8/13/24 at 10:04 AM.</p> <p>-1. A BDS report dated indicated, "... On the afternoon of 7/2/24, while preparing to leave his adult day activity program, [client C] attempted to steal potato chips from his housemate [client D]. [Client C's] housemate [client D] (sic) became upset and before staff could intervene, [client D] hit [client C] in the head with his lunch box. [Client C] sustained a laceration and avulsion (Separation of a Body Structure) of his left earlobe. Staff transported [client C] to the [Name] Hospital [Name] Emergency Department per nurse instructions. The ER (Emergency Room) physician diagnosed [client C] with assault and admitted him to the hospital for treatment of the injury. At 8:30 PM, officers from the [Name] Police Department contacted the ResCare residential supervisor and requested that he come to the hospital. Police informed the supervisor that while waiting on completion of the admission process for [client C], direct support staff [FS (Former Staff)] #1 was observed on camera slapping [client C], pulling his hair and pushing him down by his neck. [FS #1] was arrested and charged with Battery Against a Disabled Person. ResCare suspended staff [FS #1] pending investigation (sic) prior to his arrest the Executive Director was notified immediately."</p> <p>- "Plan to Resolve (Immediate and Long Term)."</p> <p>- "[Client C] has a one-inch laceration with a 1/4 inch avulsion on his left earlobe. He remains hospitalized and ResCare nursing will remain in communication with the hospital to assure continuity of care..."</p> <p>-2. A BDS report dated 7/3/24 indicated, "... On 7/2/24, [client B's] housemate [client C] was taken</p> | | <p>supervising active treatment during no less than five active treatment sessions per week, on varied shifts to assist with and monitor skills training, including but not limited to assuring a training environment free from abuse, neglect and mistreatment. For the next 30 days, members of the Operations Team (comprised of the Executive Director, Operations Managers, Program Managers, Quality Assurance Manager, QIDP Manager, QIDPs, Quality Assurance Coordinators, Area Supervisors, Assistant Nurse Manager and Nurse Manager) will conduct twice weekly administrative monitoring during varied shifts/times, to assure interaction with multiple staff, involved in a full range of active treatment scenarios, including weekend observations. After 30 days, administrative monitoring will occur no less than weekly until all staff demonstrate competence. After this period of enhanced administrative monitoring and support, the Executive Director and Regional Director will determine the level of ongoing support needed at the facility. Current Operations Team members received training from the QIDP Manager on 12/14/23, to assure a clear understanding of administrative monitoring as defined below.</p> <p>· The role of the</p> | |

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| | <p>to the [Name] Hospital [Name] Emergency Department and [client B] accompanied him along with staff. ResCare administrative staff received a report that direct support staff [FS #1] slapped [client C] and pulled [client C's] hair in [client B's] presence. [FS #1] was suspended pending investigation...".</p> <p>-A review of the BDS reports dated 7/3/24 indicated client C was injured and taken to the ER for medical treatment. The review indicated while at the hospital, FS #1 slapped, pushed and pulled client C's hair. The review indicated the Hospital's Police Officers arrested FS #1. The review indicated client B was taken to the ER with client C and client B witnessed staff physically abuse client C.</p> <p>-An IS (Investigative Summary) form dated 7/2/24 to 7/8/24 indicated the following:</p> <p>-"Summary of Interviews..."</p> <p>-"[Client A]:"</p> <p>-"I call him [FS #1]."</p> <p>-"I haven't seen him be mean or anything to me."</p> <p>-"He's been really chill working with us."</p> <p>-"I think he's (FS #1) a nice guy, that's what I think."</p> <p>-"He's really good, he respects me."</p> <p>-"He (FS #1) doesn't have any issues with us."</p> <p>-"I'm not really sure if he gets frustrated with [client C]. Sometimes he asks him (client C) to sit</p> | | <p>administrative monitor is not simply to observe & report.</p> <ul style="list-style-type: none"> · When opportunities for training are observed, the monitor must step in and provide the training and document it. · If gaps in active treatment are observed the monitor is expected to step in and model the appropriate provision of supports. · Assuring the health and safety of individuals receiving supports at the time of the observation is the top priority. · Review all relevant documentation, providing documented coaching and training as needed. <p>Administrative oversight will include assuring a training environment free from abuse, neglect and mistreatment.</p> <p>RESPONSIBLE PARTIES: QIDP, Area Supervisor, Direct Support Lead, Direct Support Staff, Operations Team, Regional Director</p> | |

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| | <p>down but he doesn't really listen."</p> <p>-"Then he (FS #1) got aggressive and kicked him in the back."</p> <p>-"He wasn't mad but he was really irritated because [client C] wouldn't listen."</p> <p>-"I don't want to get anybody fired though."</p> <p>-"That's the only time I saw him (FS #1) get angry or frustrated."</p> <p>-"But he's ok in the house."</p> <p>-"He hasn't done that to anybody else in the house."</p> <p>-"[Client H]:"</p> <p>-"I know [FS #1], I don't know."</p> <p>-"I know how much I love everything."</p> <p>-"I haven't seen him be mean or hit us."</p> <p>-"I don't think so."</p> <p>-"I haven't seen him be mean to [client C], I don't think so."</p> <p>-"[Client F]:"</p> <p>-"I know who that staff is (FS #1)."</p> <p>-"I don't think I've seen him be aggressive."</p> <p>-"I don't think I've seen him be physical to [client C]."</p> | | | |

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| | <p>"I don't think I've heard him make any threats."</p> <p>"[Client D]:"</p> <p>"I don't know who that is (FS #1)."</p> <p>"I don't know any new staff that's been working."</p> <p>"I haven't noticed any staff being physically aggressive."</p> <p>"[Client E]:"</p> <p>"I know who that is (FS #1)."</p> <p>"I haven't seen him hit anybody."</p> <p>"I haven't seen him be mean to anybody."</p> <p>"I haven't seen him cursing."</p> <p>"[Client A]:"</p> <p>"I've never seen him (FS #1) get aggressive with us."</p> <p>"He's been good to me."</p> <p>"I've never seen him get aggressive with [client C]."</p> <p>"I've never seen him make any threats."</p> <p>"[AS (Area Supervisor)] #1:"</p> <p>"[Client C] was at the ER after [client D] hit him with his lunch box."</p> <p>"The buckle or something caused a bad cut on [client C's] ear."</p> | | | |

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| | <p>- "That's why we took him to the ER."</p> <p>- "I received a call from a police officer at [Name] Hospital stated that he needed to speak with me in person in regard to legal matters due to [client C's] behavior during his visit."</p> <p>- "I assumed [client C] became agitated or something and went to the hospital as requested."</p> <p>- "I met with the officers, and they said that they had the new [Address] staff, [FS #1] on camera slapping [client C], pulling his hair and shoving him down by his neck while in the behavioral health building and being treated. They're currently placing the staff member under arrest."</p> <p>- "[FS #1] was brand new."</p> <p>- "It was only his fifth day working."</p> <p>- "I had not seen him act inappropriately with the clients."</p> <p>- "No other staff or clients had complained about him or reported anything to me."</p> <p>- "[Staff #2]:"</p> <p>- "I worked three shifts with [FS #1] before what happened to [client C] at he ER."</p> <p>- "He was new and just getting to know everyone, communicating with the (sic), and helping them."</p> <p>- "He was really chill."</p> <p>- "He never even raised his voice even (sic)."</p> | | | |

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

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| | <p>-"There were no red flags."</p> <p>-"The guys liked him."</p> <p>-"He was nice to them."</p> <p>-"No one reported to me that there were any problems."</p> <p>-"I didn't hear anything about [FS #1] kicking [client C] in the back."</p> <p>-"I definitely didn't see it happen."</p> <p>-"Nothing like that."</p> <p>-"He was really chill with the guys..."</p> <p>-"Factual Findings..."</p> <p>-"AS [AS #1] was called by the [Name] Police and asked tot eh (sic) ER to speak to them, on the evening of 07/02/24."</p> <p>-"The officers told [AS #1] that DSP (Direct Support Professional) [FS #1] was observed on camera slapping [client C], pulling his hair and pushing him down by his neck."</p> <p>-"Hospital Police arrested [FS #1] and charged him with Battery Against a Disabled Person."</p> <p>-"DSP [FS #1] was formally charged on 07/07/24."</p> <p>-"[FS #1] posted a cash bond on 07/07/24 and was released from custody with an initial hearing set for [Date of Hearing]."</p> <p>-"[FS #1] declined to respond to text and voice message requests for an interview by ResCare</p> | | | |

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| | <p>investigators."</p> <p>"ResCare investigators made in-person, phone and written requests to view or obtain a copy of the video of the incident."</p> <p>"[Name of Hospital] Detective [Name] verified the content of the video and explained that a copy of the video could not be provided and that ResCare investigators could not be permitted to view the video due to the ongoing status of the investigation."</p> <p>"Indiana Adult Protective Services (APS) Detective [Name] contacted ResCare Investigators on 07/07/24 and also confirmed the content of the video...".</p> <p>"Hospital records said that in addition to a 1 cm (centimeter) laceration with visible cartilage on his left ear, [client C] had a 4 cm yellow bruise on his right chest and multiple other bruises on his arms, left chest, back and left knee, in various stages of healing...".</p> <p>"Conclusion:"</p> <p>"1. The evidence substantiates that DSP [FS #1] slapped [client C] on 7/2/24."</p> <p>"2. The evidence substantiates that DSP [FS #1] pulled [client C's] hair on 7/2/24."</p> <p>"3. The evidence substantiates that DSP [FS #1] pushed [client C] down by his neck on 7/2/24."</p> <p>"4. The evidence substantiates that DSP [FS #1] kicked [client C] in the back on an unspecified date."</p> | | | |

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| | <p>-"5. The evidence substantiates that DSP [FS #1's] actions constitute abuse."</p> <p>-"6. The evidence substantiates that DSP [FS #1] failed to follow ResCare Policies and Procedures."</p> <p>-A review of the IS dated 7/2/24 to 7/8/24 indicated the facility substantiated FS #1 had physically abused client C at the Hospital on 7/2/24. The review indicated the facility substantiated FS #1 had kicked client C in his back on an unspecified date. The review did not indicate the investigation addressed why client B was present at the Hospital ER with client C on 7/2/24. The review did not indicate the investigation addressed whether client B had witnessed the physical abuse of client C.</p> <p>Client A was interviewed on 8/13/24 at 7:04 AM. Client A was asked if he knew FS #1. Client A stated, "Yes I do, he was pretty chill." Client A was asked if he had seen FS #1 or any other staff hit client C. Client A stated, "No. They're pretty nice and they take good care of me."</p> <p>Client H was interviewed on 8/13/24 at 7:08 AM. Client H was asked if he knew FS #1. Client H stated, "Yes he was nice. And I know I like everything." Client H was asked if he had observed FS #1 get angry towards client C. Client H stated, "No."</p> <p>Client B was interviewed on 8/13/24 at 7:42 AM. Client B was asked if he knew FS #1. Client B stated, "Yes he was good." Client A was asked if he had seen FS #1 or any other staff hit client C. Client B stated, "He (FS #1) hit him, at the Doctor's office. It scared me."</p> <p>Staff #1 was interviewed on 8/13/24 at 8:20 AM.</p> | | | |

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| | <p>Staff #1 was asked if he had observed any staff acting aggressively towards client C. Staff #1 stated, "No we are trained." Staff #1 was asked if he had seen FS #1 act aggressively towards client C. Staff #1 stated, "No he wouldn't do it before us. He had only been here about 2 weeks. He was young."</p> <p>QIDPM (Qualified Intellectual Disabilities Professional Manager) #1 was interviewed on 8/13/24 at 1:15 PM. QIDPM #1 was asked if the facility substantiated an allegation of physical abuse by FS #1 on client A. QIDPM #1 stated, "Yes based on interviews with a Hospital Police Detective and an APS Detective that staff was observed on Hospital video slapping and pushing [client C]." QIDPM #1 was asked if the facility confirmed client B was present in the ER with client C on 7/2/24. QIDPM #1 stated, "Yes." QIDPM #1 was asked if the investigation addressed why client B was present at the ER with client C. QIDPM #1 stated, "No and yes it should have." QIDPM #1 indicated the facility's policy on the prevention of abuse, neglect and mistreatment should be implemented as written. QIDPM #1 indicated all allegations of abuse, neglect and mistreatment should be thoroughly investigated.</p> <p>The Facility's policy and procedures were reviewed on 8/13/24 at 3:42 PM. The facility's Abuse, Neglect, Exploitation policy revised on 7/10/19 indicated, "Policy: Adept staff actively advocate for the rights and safety of all individuals. All allegations or occurrences of abuse, neglect and exploitation shall be reported to the appropriate authorities through the appropriate supervisory channels and will be thoroughly investigated under the policies of ADEPT, ResCare and local, state and federal guidelines...Emotional/physical neglect: failure to</p> | | | |

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| W 0154 Bldg. 00 | <p>provide goods and/or services necessary for the individual to avoid physical harm. Failure to provide the support necessary to an individual's psychological and social well being. Failure to meet the basic need requirements such as food, shelter, clothing and to provide a safe environment... These include but are not limited to any of the following: corporal punishment i.e. forced physical activity, prone restraints, contingent exercise, hitting, pinching, the application of pain or noxious stimuli, the use of electric shock, the infliction of physical pain, seclusion in an area which exit is prohibited, an example of seclusion is locking an individual in their bedroom and not allowing them to leave, negative practice or overcorrection, visual or facial screening, verbal abuse including screaming, swearing, name-calling, belittling, damaging an individual's self-respect or dignity,"</p> <p>"Program intervention neglect: ...Failure to implement a support plan, inappropriate application of intervention with out (sic) a qualified person notification/review...".</p> <p>This federal tag relates to complaint #IN00438014.</p> <p>9-3-2(a)</p> <p>483.420(d)(3) STAFF TREATMENT OF CLIENTS The facility must have evidence that all alleged violations are thoroughly investigated. Based on interview record review and interview for 2 of 28 allegations of abuse, neglect and mistreatment reviewed, the facility failed to thoroughly investigate the reason client B was taken to the ER with client C.</p> <p>Findings include:</p> | W 0154 | <p>CORRECTION: <i>The facility must have evidence that all alleged violations are thoroughly investigated. Specifically: All facility investigations will be completed by trained investigators. The facility</i></p> | 09/12/2024 |

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| STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION | X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: 15G814 | X2) MULTIPLE CONSTRUCTION A. BUILDING <u>00</u> B. WING _____ | X3) DATE SURVEY COMPLETED 08/13/2024 |
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| | <p>The facility's BDS (Bureau of Disability Services) reports and investigations were reviewed on 8/13/24 at 10:04 AM.</p> <p>-1. A BDS report dated indicated, "... On the afternoon of 7/2/24, while preparing to leave his adult day activity program, [client C] attempted to steal potato chips from his housemate [client D]. [Client C's] housemate [client D] (sic) became upset and before staff could intervene, [client D] hit [client C] in the head with his lunch box. [Client C] sustained a laceration and avulsion (Separation of a Body Structure) of his left earlobe. Staff transported [client C] to the [Name] Hospital [Name] Emergency Department per nurse instructions. The ER (Emergency Room) physician diagnosed [client C] with assault and admitted him to the hospital for treatment of the injury. At 8:30 PM, officers from the [Name] Police Department contacted the ResCare residential supervisor and requested that he come to the hospital. Police informed the supervisor that while waiting on completion of the admission process for [client C], direct support staff [FS (Former Staff)] #1 was observed on camera slapping [client C], pulling his hair and pushing him down by his neck. [FS #1] was arrested and charged with Battery Against a Disabled Person. ResCare suspended staff [FS #1] pending investigation (sic) prior to his arrest the Executive Director was notified immediately."</p> <p>"Plan to Resolve (Immediate and Long Term)."</p> <p>"[Client C] has a one-inch laceration with a 1/4 inch avulsion on his left earlobe. He remains hospitalized and ResCare nursing will remain in communication with the hospital to assure continuity of care..."</p> | | <p><i>must have evidence that all alleged violations are thoroughly investigated. Specifically:</i></p> <p>All facility investigations will be completed by trained investigators. When incidents requiring investigation occur, the QA Manager or designee will assign the investigation to a specific investigator. The QIDP Manager will conduct follow-up with the investigator to assure completion within required timeframes, and that each allegation is investigated thoroughly. Copies of all investigations will be maintained by the Quality Assurance Department to be available for review, as required.</p> <p>In addition to weekly face to face training and follow-up with the Quality Assurance Manager, the investigators will receive ongoing mentorship from the QIDP Manager, including but not limited to interview techniques, gathering and analysis of documentary evidence. The emphasis of this mentorship/training will be development of appropriate scope and conclusions, as well as time management skills to facilitate timely completion if investigations, and specifically that all clients affected by the allegations are included in the investigation. The training focus will also include assuring all qualifying incidents</p> | |

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| | <p>-2. A BDS report dated 7/3/24 indicated, "... On 7/2/24, [client B's] housemate [client C] was taken to the [Name] Hospital [Name] Emergency Department and [client B] accompanied him along with staff. ResCare administrative staff received a report that direct support staff [FS #1] slapped [client C] and pulled [client C's] hair in [client B's] presence. [FS #1] was suspended pending investigation...".</p> <p>-A review of the BDS reports dated 7/3/24 indicated client C was injured and taken to the ER for medical treatment. The review indicated while at the hospital, FS #1 slapped, pushed and pulled client C's hair. The review indicated the Hospital's Police Officers arrested FS #1. The review indicated client B was taken to the ER with client C and client B witnessed staff physically abuse client C.</p> <p>-An IS (Investigative Summary) form dated 7/2/24 to 7/8/24 indicated the following:</p> <p>-"Summary of Interviews...".</p> <p>-"[Client A]:"</p> <p>-"I call him [FS #1]."</p> <p>-"I haven't seen him be mean or anything to me."</p> <p>-"He's been really chill working with us."</p> <p>-"I think he's (FS #1) a nice guy, that's what I think."</p> <p>-"He's really good, he respects me."</p> <p>-"He (FS #1) doesn't have any issues with us."</p> | | <p>are investigated, and that all pertinent aspects of the incidents are included in the scope of the investigations. The QIDP Manager will provide weekly follow-up to the QA Manager regarding progress and additional training needs.</p> <p>The facility QIDP has been trained as an investigator and will be assisting with completion of required investigations. When an investigator assigned to the facility is not available, The QIDP Manager or designee assigned by the QA Manager will assume responsibility for completion of required investigations.</p> <p>PREVENTION: The QIDP Manager will maintain a tracking spreadsheet for incidents requiring investigation, follow-up and corrective/protective measures will be maintained and distributed daily to facility supervisors and designated members of the Operations Team, (comprised of Operations Managers, Program Managers, Quality Assurance Manager, QIDP Manager, QIDPs, Quality Assurance Coordinators, Area Supervisors, and Nurse Manager). The Quality Assurance Manager will meet with his/her QA Department investigators as needed but no less than weekly to review the progress made on all investigations, review incidents and assign responsibility for new incidents/issues requiring</p> | |

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| | <p>- "I'm not really sure if he gets frustrated with [client C]. Sometimes he asks him (client C) to sit down but he doesn't really listen."</p> <p>- "Then he (FS #1) got aggressive and kicked him in the back."</p> <p>- "He wasn't mad but he was really irritated because [client C] wouldn't listen."</p> <p>- "I don't want to get anybody fired though."</p> <p>- "That's the only time I saw him (FS #1) get angry or frustrated."</p> <p>- "But he's ok in the house."</p> <p>- "He hasn't done that to anybody else in the house."</p> <p>- "[Client H]:"</p> <p>- "I know [FS #1], I don't know."</p> <p>- "I know how much I love everything."</p> <p>- "I haven't seen him be mean or hit us."</p> <p>- "I don't think so."</p> <p>- "I haven't seen him be mean to [client C], I don't think so."</p> <p>- "[Client F]:"</p> <p>- "I know who that staff is (FS #1)."</p> <p>- "I don't think I've seen him be aggressive."</p> | | <p>investigation. QA team members will be required to attend and sign an in-service documentation at these meetings stating that they are aware of which investigations with which they are required to conduct, as well as the specific components of the investigation for which they are responsible, within the five-business day time frame.</p> <p>The Quality Assurance Team will review each investigation to ensure that they are thorough –meeting regulatory and operational standards, and will not designate an investigation, as completed, if it does not meet these criteria. Failure to complete thorough investigations within the allowable five business day timeframe may result in progressive corrective action to all applicable team members.</p> <p>RESPONSIBLE PARTIES: QIDP, Area Supervisor, Direct Support Staff, Operations Team, Regional Director</p> | |

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| | - "I don't think I've seen him be physical to [client C]." | | | |
| | - "I don't think I've heard him make any threats." | | | |
| | - "[Client D]:" | | | |
| | - "I don't know who that is (FS #1)." | | | |
| | - "I don't know any new staff that's been working." | | | |
| | - "I haven't noticed any staff being physically aggressive." | | | |
| | - "[Client E]:" | | | |
| | - "I know who that is (FS #1)." | | | |
| | - "I haven't seen him hit anybody." | | | |
| | - "I haven't seen him be mean to anybody." | | | |
| | - "I haven't seen him cursing." | | | |
| | - "[Client A]:" | | | |
| | - "I've never seen him (FS #1) get aggressive with us." | | | |
| | - "He's been good to me." | | | |
| | - "I've never seen him get aggressive with [client C]." | | | |
| | - "I've never seen him make any threats." | | | |
| | - "[AS (Area Supervisor)] #1:" | | | |
| | - "[Client C] was at the ER after [client D] hit him with his lunch box." | | | |

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| | <p>- "The buckle or something caused a bad cut on [client C's] ear."</p> <p>- "That's why we took him to the ER."</p> <p>- "I received a call from a police officer at [Name] Hospital stated that he needed to speak with me in person in regard to legal matters due to [client C's] behavior during his visit."</p> <p>- "I assumed [client C] became agitated or something and went to the hospital as requested."</p> <p>- "I met with the officers, and they said that they had the new [Address] staff, [FS #1] on camera slapping [client C], pulling his hair and shoving him down by his neck while in the behavioral health building and being treated. They're currently placing the staff member under arrest."</p> <p>- "[FS #1] was brand new."</p> <p>- "It was only his fifth day working."</p> <p>- "I had not seen him act inappropriately with the clients."</p> <p>- "No other staff or clients had complained about him or reported anything to me."</p> <p>- "[Staff #2]:"</p> <p>- "I worked three shifts with [FS #1] before what happened to [client C] at he ER."</p> <p>- "He was new and just getting to know everyone, communicating with the (sic), and helping them."</p> <p>- "He was really chill."</p> | | | |

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| | <p>- "He never even raised his voice even (sic)."</p> <p>- "There were no red flags."</p> <p>- "The guys liked him."</p> <p>- "He was nice to them."</p> <p>- "No one reported to me that there were any problems."</p> <p>- "I didn't hear anything about [FS #1] kicking [client C] in the back."</p> <p>- "I definitely didn't see it happen."</p> <p>- "Nothing like that."</p> <p>- "He was really chill with the guys..."</p> <p>- "Factual Findings..."</p> <p>- "AS [AS #1] was called by the [Name] Police and asked tot eh (sic) ER to speak to them, on the evening of 07/02/24."</p> <p>- "The officers told [AS #1] that DSP (Direct Support Professional) [FS #1] was observed on camera slapping [client C], pulling his hair and pushing him down by his neck."</p> <p>- "Hospital Police arrested [FS #1] and charged him with Battery Against a Disabled Person."</p> <p>- "DSP [FS #1] was formally charged on 07/07/24."</p> <p>- "[FS #1] posted a cash bond on 07/07/24 and was released from custody with an initial hearing set for [Date of Hearing]."</p> | | | |

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| | <p>-"[FS #1] declined to respond to text and voice message requests for an interview by ResCare investigators."</p> <p>-"ResCare investigators made in-person, phone and written requests to view or obtain a copy of the video of the incident."</p> <p>-"[Name of Hospital] Detective [Name] verified the content of the video and explained that a copy of the video could not be provided and that ResCare investigators could not be permitted to view the video due to the ongoing status of the investigation."</p> <p>-"Indiana Adult Protective Services (APS) Detective [Name] contacted ResCare Investigators on 07/07/24 and also confirmed the content of the video..."</p> <p>-"Hospital records said that in addition to a 1 cm (centimeter) laceration with visible cartilage on his left ear, [client C] had a 4 cm yellow bruise on his right chest and multiple other bruises on his arms, left chest, back and left knee, in various stages of healing..."</p> <p>-"Conclusion:"</p> <p>-"1. The evidence substantiates that DSP [FS #1] slapped [client C] on 7/2/24."</p> <p>-"2. The evidence substantiates that DSP [FS #1] pulled [client C's] hair on 7/2/24."</p> <p>-"3. The evidence substantiates that DSP [FS #1] pushed [client C] down by his neck on 7/2/24."</p> <p>-"4. The evidence substantiates that DSP [FS #1]</p> | | | |

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| | <p>kicked [client C] in the back on an unspecified date."</p> <p>-"5. The evidence substantiates that DSP [FS #1's] actions constitute abuse."</p> <p>-"6. The evidence substantiates that DSP [FS #1] failed to follow ResCare Policies and Procedures."</p> <p>-A review of the IS dated 7/2/24 to 7/8/24 indicated the facility substantiated FS #1 had physically abused client C at the Hospital on 7/2/24. The review indicated the facility substantiated FS #1 had kicked client C in his back on an unspecified date. The review did not indicate the investigation addressed why client B was present at the Hospital ER with client C on 7/2/24. The review did not indicate the investigation addressed whether client B had witnessed the physical abuse of client C.</p> <p>Client A was interviewed on 8/13/24 at 7:04 AM. Client A was asked if he knew FS #1. Client A stated, "Yes I do, he was pretty chill." Client A was asked if he had seen FS #1 or any other staff hit client C. Client A stated, "No. They're pretty nice and they take good care of me."</p> <p>Client H was interviewed on 8/13/24 at 7:08 AM. Client H was asked if he knew FS #1. Client H stated, "Yes he was nice. And I know I like everything." Client H was asked if he had observed FS #1 get angry towards client C. Client H stated, "No."</p> <p>Client B was interviewed on 8/13/24 at 7:42 AM. Client B was asked if he knew FS #1. Client B stated, "Yes he was good." Client B was asked if he had seen FS #1 or any other staff hit client C. Client B stated, "He (FS #1) hit him, at the</p> | | | |

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| | <p>Doctor's office. It scared me."</p> <p>Staff #1 was interviewed on 8/13/24 at 8:20 AM. Staff #1 was asked if he had observed any staff acting aggressively towards client C. Staff #1 stated, "No we are trained." Staff #1 was asked if he had seen FS #1 act aggressively towards client C. Staff #1 stated, "No he wouldn't do it before us. He had only been here about 2 weeks. He was young."</p> <p>QIDPM (Qualified Intellectual Disabilities Professional Manager) #1 was interviewed on 8/13/24 at 1:15 PM. QIDPM #1 was asked if the facility confirmed client B was present in the ER with client C on 7/2/24. QIDPM #1 stated, "Yes." QIDPM #1 was asked if the investigation addressed why client B was present at the ER with client C. QIDPM #1 stated, "No and yes it should have." QIDPM #1 indicated all allegations of abuse, neglect and mistreatment should be thoroughly investigated.</p> <p>This federal tag relates to complaint #IN00438014.</p> <p>9-3-2(a)</p> | | | |