

MINUTES
LANCASTER COUNTY BOARD OF COMMISSIONERS
TUESDAY, JULY 21, 2009
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
9:30 A.M.

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins

Commissioners Absent: Deb Schorr
Bob Workman

Others present: Kerry Eagan, Chief Administrative Officer
Tom Fox, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 9:30 a.m.

- 1) **MINUTES: Approval of the Minutes of the Board of Commissioners meeting held on Tuesday, July 14, 2009.**

MOTION: Stevens moved and Hudkins seconded approval of the minutes. Hudkins, Stevens and Heier voted aye. Motion carried 3-0.

- 2) **CLAIMS: Approval of all claims processed through Tuesday, July 21, 2009.**

MOTION: Hudkins moved and Stevens seconded approval of the claims. Hudkins, Stevens and Heier voted aye. Motion carried 3-0.

- 3) **SPECIAL PRESENTATION:**

- A. **Recognition of Dave Shively, Lancaster County Election Commissioner, recipient of the Meritorious Service Award – John Gale, Nebraska Secretary of State**

John Gale recognized Dave Shively as the recipient of the Meritorious Service Award. He commended Shively and his office for their work.

Shively thanked his staff and the Board for their support.

The Board thanked Shively and his staff for their service and thanked Gale for recognizing their work.

3) **SPECIAL PRESENTATION CONTINUED:**

- B. **Recognition of Scott Bendler, recipient of the Civics Recognition Award – John Gale, Nebraska Secretary of State, and Dave Shively, Lancaster County Election Commissioner**

Dave Shively recognized Scott Bendler as the recipient of the Civics Recognition Award. He described how Bendler involves his students in the voting process and spoke of Bendler's "Life Stories" project.

John Gale presented the award to Bendler. Gale discussed the importance of training young people to be good citizens and to be involved in the election process.

Bendler thanked the Board for the invitation, Gale for the award, and everyone in Shively's office for their help. He gave an overview of the students and programs at Bryan Community.

4) **NEW BUSINESS:**

- A. **Acceptance of a grant award of \$1000 from Region V Systems for the Culturally Linguistically Appropriate Services (CLAS) Grant for a project evaluator for Middle Eastern groups.**

MOTION: Stevens moved and Hudkins seconded approval of the grant award. Stevens, Hudkins and Heier voted aye. Motion carried 3-0.

- B. **An agreement with Heibel Dermatology Clinic to provide specialized medical care and assistance to Lancaster County General Assistance clients who have pending claims with the Social Security Administration and may be eligible for retroactive Medicaid benefits. The agreement sets forth a reimbursement arrangement in which the County will provide payment for the medical care and Heibel Dermatology Clinic will reimburse the County if/when the General Assistance client is later determined eligible for Medicaid reimbursement. The agreement is effective upon execution of both parties and contains a 30-day termination provision. (C-09-0369)**

MOTION: Stevens moved and Hudkins seconded approval of the agreement. Hudkins, Stevens and Heier voted aye. Motion carried 3-0.

- C. **A contract between the City of Lincoln, Lancaster County and Accuracy, Inc., d/b/a Ultramax Ammunition, for the annual supply of ammunition. The term of the contract shall begin June 1, 2009, and end May 31, 2010. The County will pay for products and services on an as needed basis according to line items 3, 13, 19 and 26 of the contractor's proposal. (C-09-0370)**

4) **NEW BUSINESS CONTINUED:**

MOTION: Hudkins moved and Stevens seconded approval of the contract. Hudkins, Stevens and Heier voted aye. Motion carried 3-0.

- D. **A contract with Sky Copters, Inc., in the amount of \$23,529, for aerial spraying of phragmites. The term of the contract is one year from the date of execution. (C-09-0371)**

MOTION: Hudkins moved and Stevens seconded approval of the contract. Hudkins, Stevens and Heier voted aye. Motion carried 3-0.

- E. **A contract in which Lancaster County and the City of Lincoln are contracting with Jacobsen Fire Equipment Company, using cooperative purchasing with the State of Nebraska (Contract Number 18820-04 REN 1), to provide and deliver fire extinguisher service and replacement to all Lancaster County, City of Lincoln and Public Building Commission facilities. The term of the contract is from July 1, 2009, to June 30, 2010. Each County department using the services will be billed separately for the services they use according to the prices in State of Nebraska Contract Number 18820-04 REN 1. (C-09-0372)**

MOTION: Hudkins moved and Stevens seconded approval of the contract. Hudkins, Stevens and Heier voted aye. Motion carried 3-0.

- F. **A maintenance agreement and addendum to the agreement with Claritus for maintenance and repair for the mail machine, feeder, scale, and meter at Lancaster Manor. Term of the agreement is from May 20, 2009, to May 19, 2010. The County shall pay \$550 for the services. (C-09-0373)**

MOTION: Stevens moved and Hudkins seconded approval of the agreement. Hudkins, Stevens and Heier voted aye. Motion carried 3-0.

- G. **An amendment to the unit price construction contract between Midwest Roofing, Inc., Lancaster County, the City of Lincoln and the Public Building Commission for miscellaneous roofing services under \$25,000, found at County Contract Number C-08-0356. The amendment renews the contract for an additional one-year term beginning August 1, 2009, and ending July 31, 2010. (C-09-0374)**

MOTION: Stevens moved and Hudkins seconded approval of the amendment. Stevens, Hudkins and Heier voted aye. Motion carried 3-0.

4) **NEW BUSINESS CONTINUED:**

- H. **An amendment to the unit price construction contract between Weathercraft Company of Lincoln, Lancaster County, the City of Lincoln and the Public Building Commission for miscellaneous roofing services under \$25,000, found at County Contract Number C-08-0358. The amendment renews the contract for an additional one-year term beginning August 1, 2009, and ending July 31, 2010. (C-09-0375)**

MOTION: Stevens moved and Hudkins seconded approval of the amendment.

Hudkins asked if the contract was transferable if Lancaster Manor is sold. Tom Fox, Deputy County Attorney, said the contract is countywide and not specific to Lancaster Manor.

ROLL CALL: Stevens, Hudkins and Heier voted aye. Motion carried 3-0.

- I. **A letter of intention and agreement to extend the contract with the Department of Veterans Affairs, Nebraska Western Iowa Health Care System, found at County Contract Number C-08-0318, to provide nursing home services to veterans at Lancaster Manor from August 1, 2009, to July 31, 2010. (C-09-0376)**

MOTION: Stevens moved and Hudkins seconded approval of the letter and agreement. Stevens, Hudkins and Heier voted aye. Motion carried 3-0.

- J. **An amendment to a contract between Lancaster County, the City of Lincoln and Husker Car Wash, Inc., for annual requirements for vehicle washes and related services found at County Contract Number C-08-0328. The amendment renews the agreement for an additional one-year term beginning August 4, 2009, and ending August 3, 2010. (C-09-0377)**

MOTION: Stevens moved and Hudkins seconded approval of the amendment. Hudkins, Stevens and Heier voted aye. Motion carried 3-0.

- K. **An amendment to a contract between Lancaster County, the City of Lincoln and FS Enterprises, Inc., d/b/a Southside Carwash, for annual requirements for vehicle washes and related services found at County Contract Number C-08-0359. The amendment renews the agreement for an additional one-year term beginning August 4, 2009, and ending August 3, 2010. (C-09-0378)**

MOTION: Hudkins moved and Stevens seconded approval of the amendment. Hudkins, Stevens and Heier voted aye. Motion carried 3-0.

4) **NEW BUSINESS CONTINUED:**

- L. **An amendment to a contract between Lancaster County, the City of Lincoln and JetSplash Full Service Car Wash for annual requirements for vehicle washes and related services found at County Contract Number C-08-0330. The amendment renews the agreement for an additional one-year term beginning August 4, 2009, and ending August 3, 2010. (C-09-0379)**

MOTION: Stevens moved and Hudkins seconded approval of the amendment. Hudkins, Stevens and Heier voted aye. Motion carried 3-0.

- M. **An amendment to a contract between Lancaster County, the City of Lincoln and KMG Enterprises, L.L.C., d/b/a Buggy Bath Car Wash North, for annual requirements for vehicle washes and related services found at County Contract Number C-08-0319. The amendment renews the agreement for an additional one-year term beginning August 4, 2009, and ending August 3, 2010. (C-09-0380)**

MOTION: Hudkins moved and Stevens seconded approval of the amendment. Hudkins, Stevens and Heier voted aye. Motion carried 3-0.

- N. **An amendment to an agreement with FireGuard, Inc., for fire system inspection found at County Contract Number C-08-0328. The amendment renews the agreement for an additional one-year term beginning August 5, 2009, and ending August 4, 2010. (C-09-0381)**

MOTION: Stevens moved and Hudkins seconded approval of the amendment. Hudkins, Stevens and Heier voted aye. Motion carried 3-0.

- O. **A project application for the Nebraska Emergency Management Agency Hazard Mitigation Grant Program for the purchase of six sirens and supporting equipment. The total cost of the project is \$104,000. Funding for the project is proposed as \$78,000 (75%) from the Federal Emergency Management Agency and \$26,000 (25%) local match from Lancaster County.**

MOTION: Hudkins moved and Stevens seconded approval of the application.

Hudkins thanked Doug Ahlberg, Emergency Management Director, for finding this grant. He noted as new sirens are added, the older ones are moved to less populated areas, thereby providing more coverage across the county.

ROLL CALL: Stevens, Hudkins and Heier voted aye. Motion carried 3-0.

4) **NEW BUSINESS CONTINUED:**

- P. **Appointment of Jane Snyder, Lincoln City Council, to the Lincoln-Lancaster County Board of Health for a three-year term to expire April 15, 2012.**

MOTION: Stevens moved and Hudkins seconded approval of the appointment.

Hudkins acknowledged Snyder's qualifications and thanked her for her service.

ROLL CALL: Stevens, Hudkins and Heier voted aye. Motion carried 3-0.

- Q. **A salary increase for Annette Thompson, Youth Services Deputy Director, from \$68,000 to \$70,448, effective July 30, 2009.**

MOTION: Stevens moved and Hudkins seconded approval of the salary increase. Stevens, Hudkins and Heier voted aye. Motion carried 3-0.

- 5) **CONSENT ITEMS:** These are items of business that are routine which are expected to be adopted without dissent. Any individual item may be removed for special discussion and consideration by a Commissioner or by any member of the public without prior notice. Unless there is an exception, these items will be approved as one with a single vote of the Board of Commissioners. These items are approval of:

A. **Receive and place on file the following:**

1. **Nebraska Department of Roads Surface Transportation Program Book for Fiscal Years 2010 - 2015.**

B. **Right-of-way contracts for road projects between the Lancaster County Engineering Department and the following individuals:**

1. **Tanya Duba, located at 23303 SW 14th Street, Martell; Project No CP-W-57, Tract 1. Cost is \$654.50. (C-09-0382)**
2. **Gilbert and Emily Kisling, located at 6901 W. Yankee Hill Road, Denton; Project No CP-N-208, Tract 2. Cost is \$503.50. (C-09-0383)**
3. **Kim and Rebecca May, located at 7301 S. 162nd Street, Walton; Project No. CP-R-160, Tract 1. Cost is \$463. (C-09-0384)**

MOTION: Hudkins moved and Stevens seconded approval of the consent items. Hudkins, Stevens and Heier voted aye. Motion carried 3-0.

6) **PENDING:**

- A. **A resolution in the matter of County Change of Zone No. 08050, requested by Michael and Judith Rosecrans, to change the zoning on 8.84 acres, more or less, from AG Agricultural to B Business on property generally located one-half mile south of the corner of Hickman Road and Homestead Expressway/Highway 77 in Lancaster County, Nebraska. (R-08-0093) (Item placed on pending on November 4, 2008.)**

By order of the Chair, the Board of Commissioners meeting was recessed at 10:00 a.m. in order to proceed with the Board of Equalization meeting.

The Chair reconvened the Board of Commissioners meeting at 10:08 a.m.

7) **EMERGENCY ITEMS AND OTHER BUSINESS:**

Heier announced he would waive the 30 minute time limit with regard to testimony under this section, but he established an end time of 11:20 a.m. He also stated there were to be no comments about any County employees; any employee complaints should be submitted to Personnel and/or the County Board.

Barb Sibley, Lancaster Manor volunteer, discussed the track record of Hunter Management, who has expressed interest in purchasing the Manor.

James Engel, spouse and son of Lancaster Manor employees, expressed his concern regarding the possible sale of the Manor and the effect on employees and residents.

Heier noted that State Auditor Mike Foley is planning to audit Lancaster Manor.

Steve Foral spoke of the moral commitment to Lancaster Manor. He also discussed the poor track record of Hunter Management and how easy it was to check their background on the internet.

Melvin Moore commented on the public support for Lancaster Manor and questioned who was supporting the sale of Lancaster Manor.

Christa Yoakum discussed her work in long term care and her good experiences with Lancaster Manor. She expressed her concerns about care facilities under Hunter Management.

Matt Romshek, Administrator at Homestead (purchased by Hunter Management one and a half years ago), said the facility is doing well. He stated over half of their residents are on Medicaid, and private pay patients that switch to Medicaid stay at the facility. He said Homestead is in full compliance with the Veteran's Administration, Medicare, Medicaid, BlueCross BlueShield, and all private insurance companies, confirming the facility is a preferred provider.

7) **EMERGENCY ITEMS AND OTHER BUSINESS CONTINUED:**

Mary Howard, Lancaster Manor employee, discussed the Manor Coalition meeting from the previous evening. She read some of the meeting highlights (Exhibit A).

Carrie Lovett, Lancaster Manor employee, continued discussion of highlights from the Manor Coalition meeting, including the track record of Hunter Management facilities.

Marlene Lauer, Lancaster Manor employee, further discussed the track record of Hunter Management facilities. She urged the Board to investigate the facilities at www.medicare.gov.

Doug Allard presented research on Hunter Management (Exhibit B).

Kim Kaspar, president of American Federation of State, County & Municipal Employees (AFSCME), expressed her interest to meet and discuss the facts. Stevens said the defined procedure in the contract between the Union and the County should be followed for meetings.

Mark French provided a document regarding Veteran programs (Exhibit C) and questioned how many other facilities under Hunter Management hold a Veterans contract.

Loretta Dietz noted that violations have increased since Hunter Management took over Homestead. She expressed her concern that the Board was not listening to the public's interest in keeping Lancaster Manor under the County.

Lela Shanks asked the Board to reconsider selling Lancaster Manor and to listen to the people's wishes.

B.J. Wheeler, Lancaster Manor resident's daughter, suggested forming a citizen board of skilled volunteers to advise the administration of Lancaster Manor.

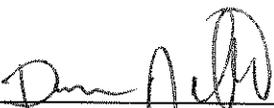
Leola Bullock thanked Hudkins for his support of Lancaster Manor and spoke of her opposition to selling the Manor.

8) **ANNOUNCEMENTS:**

- A. The Lancaster County Board of Commissioners will hold a Staff Meeting on Thursday, July 23, 2009, beginning at 8:30 a.m. in Room 113 on the first floor of the County-City Building.
- B. The Lancaster County Board of Commissioners meeting is broadcast live at 9:30 a.m. on Tuesdays and rebroadcast at 1:30 p.m. and 6:30 p.m., as well as on Saturday afternoon on 5 City-TV, Cable Channel 5. In addition, this meeting may be viewed on Nebraska On Demand Time Warner Channel 101 and is available on the Internet 24 hours a day at www.lancaster.ne.gov. Click on 5 City-TV Video On Demand.

9) **ADJOURNMENT:**

MOTION: Stevens moved and Hudkins seconded to adjourn the Board of Commissioners meeting at 11:20 a.m. Hudkins, Stevens and Heier voted aye. Motion carried 5-0.



Dan Nolte
Lancaster County Clerk



MINUTES
LANCASTER COUNTY BOARD OF EQUALIZATION
TUESDAY, JULY 21, 2009
COMMISSIONERS HEARING ROOM, ROOM 112
FIRST FLOOR, COUNTY-CITY BUILDING
IMMEDIATELY FOLLOWING THE REGULAR BOARD OF COMMISSIONERS MEETING

Commissioners Present: Bernie Heier, Chair
Ray Stevens, Vice Chair
Larry Hudkins

Commissioners Absent: Deb Schorr
Bob Workman

Others present: Scott Gaines, Deputy County Assessor/Register of Deeds
Kerry Eagan, Chief Administrative Officer
Gwen Thorpe, Deputy Chief Administrative Officer and
Interim Lancaster Manor Administrator
Tom Fox, Deputy County Attorney
Dan Nolte, County Clerk
Cori Beattie, Deputy County Clerk
Angela Zocholl, County Clerk's Office

The location announcement of the Nebraska Open Meetings Act was given and the meeting was called to order at 10:01 a.m.

- 1) **MINUTES: Approval of the Minutes of the Board of Equalization meeting held on Tuesday, July 14, 2009.**

MOTION: Stevens moved and Hudkins seconded approval of the minutes. Hudkins, Stevens and Heier voted aye. Motion carried 3-0.

- 2) **ADDITIONS AND DEDUCTIONS: Approval of 21 additions and deductions to the tax assessment rolls per Attachments "A" and "B".**

MOTION: Stevens moved and Hudkins seconded approval of the additions and deductions. Hudkins, Stevens and Heier voted aye. Motion carried 3-0.

- 3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS:**

Southeast Nebraska Mobile Diagnostic Services, Inc.
Fellowship Baptist Church
The American Legion, Department of Nebraska
Sisters of Mary, Queen of Mercy
First Presbyterian Church
St. Peter's Catholic Church of Lincoln

3) **MOTOR VEHICLE TAX EXEMPTION APPLICATIONS CONTINUED:**

MOTION: Stevens moved and Hudkins seconded approval of the motor vehicle tax exemptions. Stevens, Hudkins and Heier voted aye. Motion carried 3-0.

4) **SETTING OF VALUES RELATING TO NEWLY APPROVED GREENBELT EXEMPTION APPLICATIONS PURSUANT TO NEB. REV. STAT. § 77-1345.01**

Scott Gaines, County Assessor/Register of Deeds Office, explained that Greenbelt applications have been reviewed. He said the next step is to set the values and send notices to the applicants.

Rob Ogden, County Assessor/Register of Deeds Office, explained there was no value change in some of the approvals; these parcels were small pieces of property with no agricultural land.

Gaines said there were approximately 120 approvals and 20 denials. The applicants have 30 days to appeal the denial or set value.

MOTION: Stevens moved and Hudkins seconded approval of the newly approved Greenbelt applications as outlined by the County Assessor/Register of Deeds Office. Stevens, Hudkins and Heier voted aye. Motion carried 3-0.

5) **APPEAL FILED REGARDING THE REJECTION OF A HOMESTEAD EXEMPTION FOR 2009:**

Mike Morosin

Scott Gaines said the previous information received by his office did not qualify Morosin under disability for Homestead Exemption. Since then, Morosin's doctor has provided information stating Morosin should qualify. Gaines said their office has concerns if Morosin's disability meets the intent of the law; however, his office will go by the doctor's recommendation and not fight the appeal.

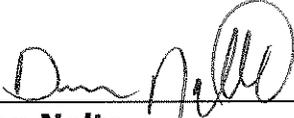
MOTION: Hudkins moved and Stevens seconded to grant the appeal for 2009 Homestead Exemption.

Morosin suggested including a doctor's letter with the application to provide better communication. Gaines agreed that changes may be needed in the procedure.

ROLL CALL: Stevens, Hudkins and Heier voted aye. Motion carried 3-0.

6) **ADJOURNMENT:**

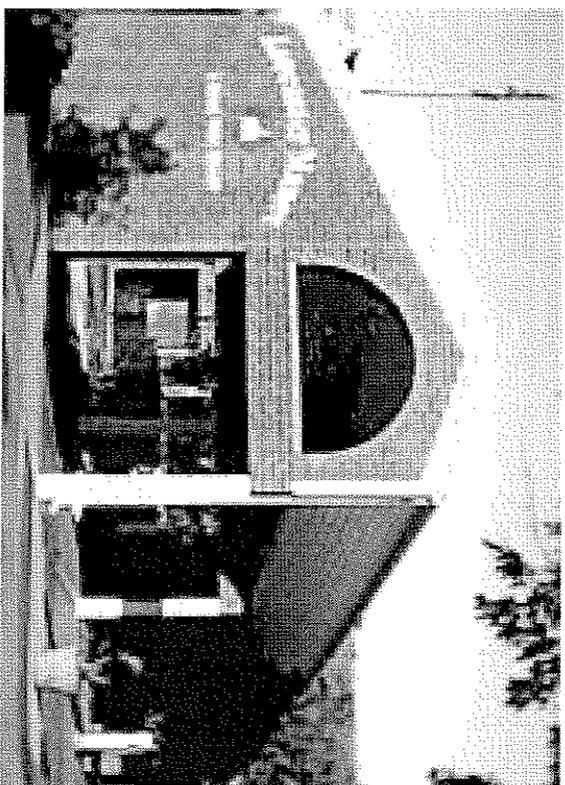
MOTION: Stevens moved and Hudkins seconded to adjourn the Board of Equalization meeting at 10:08 a.m. Hudkins, Stevens and Heier voted aye. Motion carried 3-0.



Dan Nolte
Lancaster County Clerk

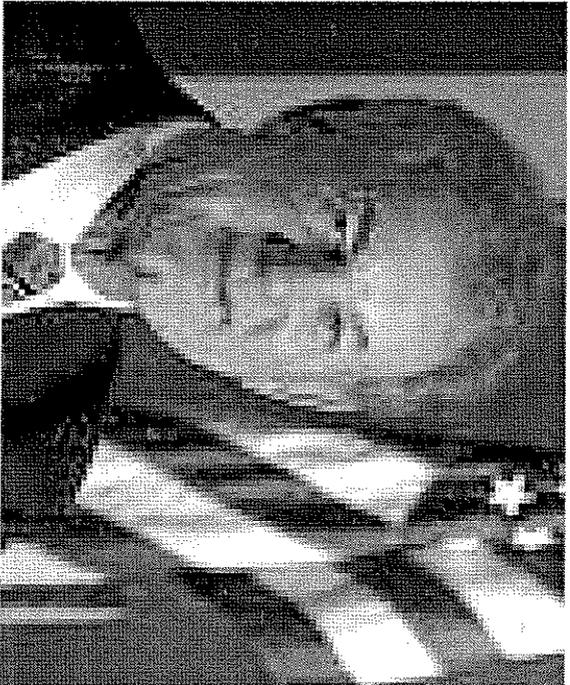


Save the Manor Coalition/AFSCME 2468



Who is the County Board Bringing In
to Care for Lancaster Manor
Residents?

The Promises that Have been Made to Manor Residents



- “The highest priority of the Lancaster County Board of Commissioners is providing long-term quality care to you, the residents of Lancaster Manor.” – Chairman Bernie Heier, Letter to Residents, February 11, 2009

“The [Board] is proceeding with the request for qualifications to guarantee the financial stability of Lancaster Manor and *the best care for you.*” -- Mar. 11, 2009 Letter from Board to Residents



“The Board knows changes must be made so that you will receive *the highest quality care for years to come.* ”

-- Mar. 12, 2009 Letter from Board to Residents

“Our number one concern is about the individuals we have at the Lancaster Manor.”

-- Commissioner Bernie Heier, Journal-Star, March 3, 2009

“To ensure the continued operation of the Manor and *the excellent care provided to you* we have made the decision to issue a request for qualifications from *those who may be better suited than the County Board in managing your home.*”

-- Febr. 11, 2009 Letter from Board to Manor Residents

IF the Board's Number

One concern is the residents, **the most important question for the Board ought to be is:**

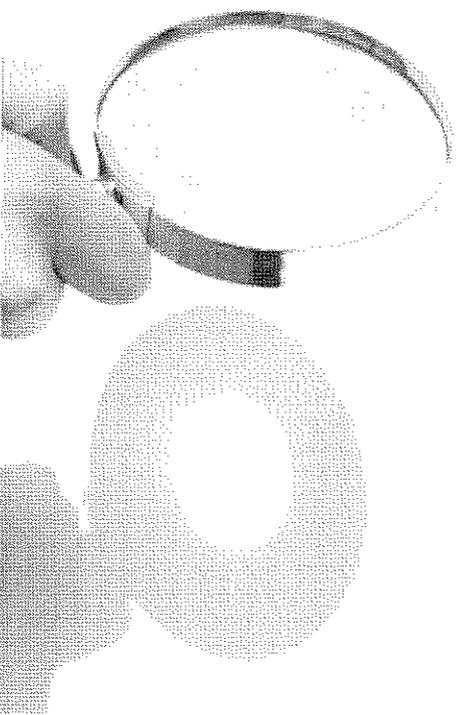
Exactly who does the Board think is better suited than the County to hand over Lancaster Manor and our residents to?

“They [Hunter Management] are the bird in the hand.”

-- Vince Mejer, County Purchasing, Journal Star, July 9, 2009

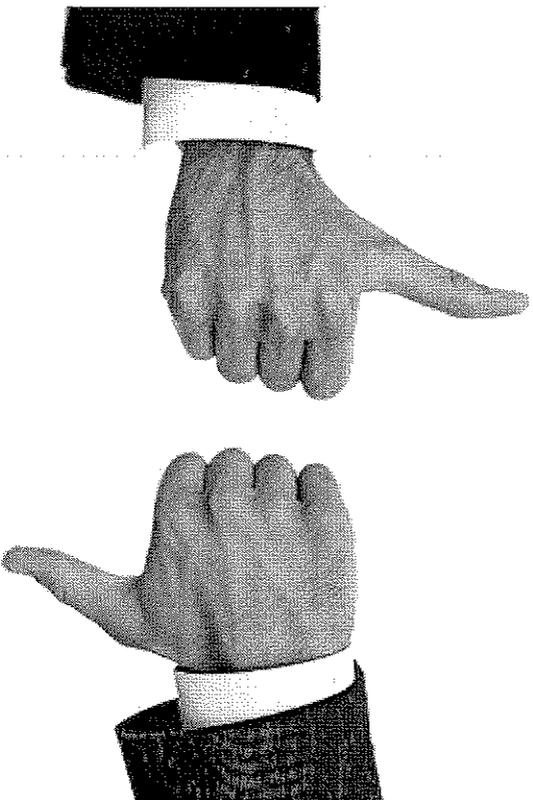
So, who is Hunter Management?

- Hunter is an LLC owned by members of the Rothner family.
- The Rothner family owns interests in 40 + nursing homes throughout the Midwest, including many in Illinois and Indiana.
- The Rothner family owns Homestead Nursing Home in Lincoln, Nebraska.
- The leader of the Rothner Family nursing home business is Eric Rothner, but many of the nursing homes are owned by various members of the family.
- The primary contact for the family with the County Board has been Avi Rothner.



Evaluating the Rothner Family Record with Nursing Homes

Some measures:



- Medicare's 5 star nursing home rating (available on-line)
- Federal and State Fines?
- Newspaper and other Reports about Quality of Care

A word about this info

- It is important to understand that the Rothners are the subject of this investigation only because the County Board is no considering selling them the Manor.
- We have no ill will toward the Rothners themselves.
- We are presenting this information only because the treatment of Manor residents is a matter of important public concern.
- The research we have done is publically available from various sources, including Medicare's government website, the Chicago Tribune, state health department records, and other sources. We can identify the source for statements we make or those who are interested.
- We are simply relaying this information to you because when we reviewed it, we thought it was important that people be aware of what has been reported. Please make your own judgments about it.

Medicare's 5 Star Evaluation System



= Much better than average



= Better than average



= Average



= Worse than average



= Much worse than average

- **Of the 45 nursing homes that we were able to establish were owned in part or whole by the Rothner family, 20 of those homes have 1 star ratings by Medicare**

- **20 out of 45 are 1 Star?**
Much Below Average

- **In many cases, these nursing homes were the worst rated homes in their cities**
 - **Medicare has reported that all these nursing homes are in the bottom 25% of all nursing homes rated by Medicare**
- **This list includes Homestead Nursing and Rehab in Lincoln**
- **10 more of the Rothner homes are 2 star, for "below average"**
- **Medicare rates 30 out of the 45 Rothner nursing homes we found as below average or "much below average"**



"The Board knows changes must be made so that you will receive the highest quality care for years to come. "

-- Mar. 12, 2009 Letter from Board to Residents

Medicare Deficiency Ratings

- Medicare also reports how many nursing home deficiencies its inspectors find at a facility.
- How do nursing homes the Rothner family owns perform?



Excellent care?

Most recent Medicare inspections of Rothner facilities:

McKinley Health Care Ctr, Canton, OH
35 deficiencies **7X** the State
average

Elmwood Care, Elmwood Park, IL
50 deficiencies **6X** the State average

Somerset Place, Chicago, IL
41 deficiencies **5X** the State
average

Sebo's Nursing and Rehab, Hobart, IN
51 deficiencies **5X** the State
average

All **3X** their States' average:

Imperial Nursing Home, Hazel Crest, IL;

Nursing Plaza, Rockford, IL;

Maplewood Care, Elgin, IL

All **2X** their States' average:

Berwyn Nursing and Rehab, Berwyn, IL,

Boulevard Care Center, Chicago, IL,

Center Home for Hispanic Elderly, Chicago, IL;

International Village, Chicago, IL;

Lakewood Nursing & Rehab, Plainfield, IL;

Sheridan Shores (d/b/a Edgewater Care), Chicago, IL;

Homestead Nursing, Lincoln, Nebraska



State and Federal Fines

Another way to
evaluate a nursing
home's quality of care
is to determine if the
home has been
assessed fines by the
State or Federal
government

\$15,000 + fines

- Berwyn, IL **\$50,000** (9/25/2008)
- Chicago, IL **\$35,000** (3/2/2006)
- Elmwood Prk, IL **\$25,000** (9/2/2008)
- Rockford, IL **\$20,000** (4/3/2007)
- Hazel Crest, IL **\$30,000** (3/28/2008)
- Chicago, IL **\$20,000** (6/12/2006)
- Chicago, IL **\$25,000** (09/26/2008)
- Forest Park, IL **\$50,000** (12/20/1997)
- **\$35,000** (4/10/2007)
- **\$30,000** (1/31/2006)
- **\$20,000** (5/13/2005)
- Palos Heights, IL **\$20,000** (04/18/2008)
- Chicago, IL **\$55,000** (09/15/2008)
- **\$25,000** (2/9/2009)
- Chicago, IL **\$20,000** (12/21/2006)
- Chicago, IL **\$20,000** (9/22/2006)
- Cicero, IL **\$35,000** (2/18/2009)
- **\$15,000** (4/19/2007)

\$10,000 + fines

- Chicago, IL
- Indian Hd Prk, IL
- Oak Lawn, IL
- Rockford, IL
- Lemont, IL
- Elgin, IL
- Chicago, IL
- Jacksonville, IL
- Chicago, IL
- Chicago, IL
- Chicago, IL
- Cicero, IL
- Chicago, IL

Rothner Nursing Home Fines?

Fines and more fines

In sum, Medicare Reports that the Rothner Nursing Homes we were able to identify were assessed fines totalling approximately

\$780,000

between 2001 and 2009 for an average of about \$100,000 per year.

In February 2009, the Chicago Tribune reported this regarding violations found in 2008 at the Berwyn Nursing Home in Chicago:

“The inspectors knew that there was trouble as soon as they entered the nursing home. The lobby smelled of urine. In one room, they found a 97-year-old woman, lying in her own waste she had severe bruises on her arm, foot and both legs that the staff could not immediately explain. Another resident had a bed sore dripping blood.”

“Last March, inspectors found workers were improperly using side railings on beds. *Four months later*, a 53-year old obese resident suffocated when he got stuck between the mattress and side rails.”

In January of 2009, Inspections found that the 145 person facility did not have a working mechanical lift to help residents out of bed, resulting in the facility not providing showers or getting some patients out of bed for days. Staff told the inspectors that there had been no lift for 10 days.

Just a few of the stories



“The highest priority of the Lancaster County Board of Commissioners is providing long-term quality care to you, the residents of Lancaster Manor.” – County Board Letter to Residents, February 11, 2009

More Stories

- In Oct, 2006 a nursing home in Hazel Crest, IL was fined \$20,000 by the State after a patient suffering from dementia was found dead. She had been dead for 14 hours before anyone found her.
- In March 2008, the same nursing home was fined \$30,000 by the State for failing to provide for treatment of bed sores. “[T]wo residents required immediate hospitalization for treatment of pressure sores so developed that there was possible bone involvement.”

• • •

- In May 2009, the AP reported that a family had sued a Chicago nursing home owned by the Rothner family. A 21 year old resident raped a 69 year old woman. The facility administrator initially attempted to cover up the rape by claiming it was consensual. The family stated that the nursing home had not informed the family that they admitted young adult residents with histories of sexual abuse. The facility had also admitted the resident even though he had a felony warrant outstanding.

- In May of 2008, a federal investigation reported that a resident had left a Medicaid only facility located in Chicago and owned by the Rothners unsupervised, even though she had been admitted while on parole. The resident had continued to use cocaine while in the facility, and her parole officer was never notified of this, or even of her admission. The resident disappeared in early May 2008. The Police were never notified of the disappearance so that a search could be initiated. Instead, the resident was found 12 days later. She had been murdered in a nearby motel room 4 blocks from the facility. When her body was found it was already in a state of decomposition.

• • •

- At the same facility, in October of 2008, a Medicaid investigation surveyor noted that there were residents in the dining room eating with their fingers, wearing torn clothing, butter toast with a spoon, no supervision by staff, and no staff in the dining room taking nutritional intakes of residents.
- Another Chicago Nursing Home, the International Village, (now known as International Nursing and Rehab) is currently a member of the Medicare and Medicaid Services list of Special Focus Facilities. US News and World Report has described this list as the list of the worst 135 nursing homes in America. Medicaid puts these nursing homes on this list to encourage them to reform. However, the International Village has been on the list for 53 months.

and more

In September 2005, the Illinois Grand Jury filed criminal indictments against a Nursing Home owned by several members of the Rothner Family.

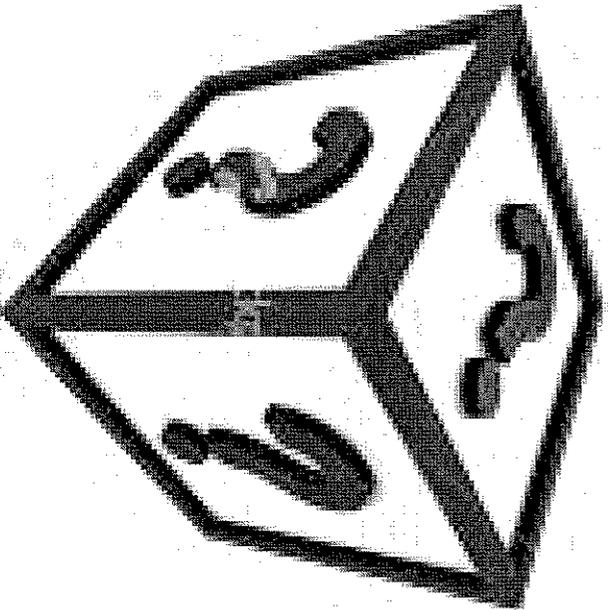
The Home was indicted for reckless failure to provide adequate medical care, after a 48 year old cancer patient died at the facility.

“There were bedsores that went to the bone all up and down her back and thighs. . . The entire backside was one giant bedsore.”
— Forest Park Review (9/21/2005)

The nursing home was eventually fined by an Illinois criminal court.

One more cause for Serious Concern

One more past practice of some Rothner Nursing homes is particularly alarming. The Chicago Tribune has reported that in dozens of nursing homes across Illinois, paroled inmates have been accepted into nursing homes that house elderly people. The nursing homes apparently supported this practice as legitimate. The Tribune also reported that Eric Rothner was partial owner of 10 nursing homes that accepted inmates. -- Chicago Tribune, Nov. 24, 2002



In one of these nursing homes in Joliet, Illinois, two mentally ill patients that checked themselves out of the nursing home on a day pass in February 2001 and murdered a man they met in a bar.

Note: we are not aware of whether the Rothner owned nursing homes continue to accept inmates into their facilities. This must be addressed by the County Board.



“Our number one concern is about the individuals we have at the Lancaster Manor.”

-- Journal-Star, March 3, 2009

tabbies

B

FOREST PARK

REVIEW

Home

Classifieds

News

John Rice
Crime
Obituaries
Sports

Opinion

Hometown

Calendar

Coupons

About us

Feedback

Subscription

Email Updates

Community Guide

Real Estate

Photo Store

CLASSIC THEATRE
www.classictheatre.com

LAKE THEATRE
*showtimes

CLASSIC THEATRE
www.classictheatre.com

NORTH RIVERSIDE MALL THEATRE
*showtimes

Search

Search

Advanced Search

Expert care close to home



West Suburban Medical Center

Resurrection Health Care

home | news | news

July 20, 2009

9/21/2005 9:32:00 AM

Email this article • Print this article

Pavillion indictment may just scratch surface

Nursing home also dealing with civil suit, other complaints

By SETH STERN

The troubles facing the Pavillion of Forest Park Nursing Home, it appears, are not limited to the indictments on multiple felony counts of neglect served up last week by a Cook County Grand Jury.

The home is also dealing with a wrongful death civil suit brought in response to the same case by the family of the 48-year-old cancer patient who died on September 11, 2002 after allegedly arriving at Loyola Medical Center with her back covered in bedsores.

"There were bedsores that went to the bone all up and down her back and thighs...the entire backside of her was one giant bed sore," said Attorney Thomas Gamache of the Chicago law firm Slavin and Slavin, which will be handling the case. He said that he will be able to present pictures of the wounds to back up the claims.

Gamache said the family would prefer not to be named.

Linda Flaherty, director of Risk Management for Care Centers, owners of the Pavillion, told the Review last week that the company will take a defense position against all charges.

This week, she referred the Review to Attorney Michael Siegel, who declined to comment further.

The suit, first brought in 2003, names the Pavillion of Forest Park as well Forest Park L.L.C. and Care Centers, Inc., the licensee and owner of the home. It also names Dr. Jason Garti, a former medical director at Pavillion who was also named in the indictment, and two nurses who treated the patient.

It alleges that the patient had no sores on her body upon entering the home, but developed the sores due to neglect during her time there.

The suit accuses the home of failing to implement several preventative and treatment options for the sores including failing to document the wounds, failing to reposition the patient so the wounds would not occur and failing to give the patient the medication that had been prescribed. The suit and alleges violations of the Nursing Home Care Act, the Wrongful Death Act, and the Illinois Survival Act.

The indictments, first returned by the grand jury Sept. 7, bring similar charges, stating that Care Centers and Forest Park, L.L.C. "recklessly failed to provide adequate medical care which resulted in the deterioration of the physical condition of (the patient)."

A guilty finding could result in the closure of the nursing home.

Care Centers, is owned by several members of the Rothner family, who own several nursing homes throughout the state. According to campaign disclosure records, CEO Eric Rothner has made over \$28,000 in political contributions since 2000.

FP residents report similar experiences

The Illinois Department of Public Health's web site lists just under 20 complaints about the Pavillion that have been filed so far this year. According to some Forest Park residents, though, these formal complaints do not represent all of those who have been unsatisfied with the care their loved ones received.

Francise Alexander of Forest Park said that her father, Alonzo Alexander, was admitted to the Pavillion in 2004 after having a leg amputated in 2003. She said that she visited her father on October 3, 2004 and noticed that he seemed unresponsive and kept complaining that he was cold.

She said that after noticing blood on the sheet that covered her father, her fiancé pulled the sheet back and saw that his big toenail was bleeding excessively. Her father, a diabetic, died the next day of pneumonia at Loyola Medical Center at age 72.

Alexander said she believes that negligence on the part of Pavillion's staff led to her father's death, as open wounds left untreated in diabetics are often fatal. She said that those who treated her father at Loyola shared her concerns.

She said her father, who also developed bedsores at the home, was often not given the medicine prescribed to him, as medicine ordered as part of his daily regime was often divided between several patients. She reported regularly encountering the smell of urine and rotting food at the home and hearing patient's calls for treatment go unanswered by staff.

Another Forest Park resident, Eudora Beckley, said her grandmother died three days after being admitted to Pavillion in

Is
Hearin
Loss
Draggi
You
Down



Sound C

Hearin
Grow

DOCTORS OF A.C.T.
Hearing test:
honest answer
by a Certified
of Audiolo

Up to 40%
MSRP

708-660-2

www.soundcarehe



Click H
for
Great Lc
Coupo



March, 2004. She said that family members who visited reported finding her grandmother's mouth filled with fluid, and believe that she likely choked to death.

The listed cause of death was a stroke, and Beckley said the family could not afford an autopsy to verify whether this was the case. She said her grandmother, who suffered from Alzheimer's disease, had never suffered heart problems in the past.

Local activists say problem is systematic

Allegations of neglect in nursing homes have in the past often been blamed on understaffing and low pay. A police report filed at the Forest Park Police Department on Sept. 10 indicated that when officers responded to a call reporting a death at the home, they discovered that the floor where the man had died had only one nurse working, and that audible call alarms for treatment went unanswered.

That case was transferred to the Medical Examiners office, where a representative said the matter was still pending investigation.

Flaherty said last week that the home does not normally release figures on staffing and wages, but that the home complies with all state standards including the requirement for at least 2.5 hours of care per day per resident.

Several local activists, however, said that the state is actually a large part of the problem, and that its requirements are widely insufficient. They called for funding to be directed towards long term care options other than institutions.

"The whole idea of using a factory mentality to providing care to people who need help...doesn't seem to work and has a tendency to breed contempt - unfortunately that translates to the devaluation of the old and disabled," said Dianne Coleman of the Progress Center for Independent Living.

According to a study by the disability rights organization ADAPT, Illinois places about 80 percent of its long term care funding in nursing homes and other institutions. The study ranks Illinois as the fifth worst state in funding of treatment options for the elderly and disabled.

Copyright 2009, Forest Park Review.
141 S. Oak Park Ave., Oak Park, IL 60302, 708-368-0600

To view any of the other newspapers or publications owned and operated by Wednesday Journal, Inc., click on the appropriate title

**[Wednesday Journal](#) • [Riverside Brookfield Landmark](#)
[Chicago Journal](#) • [Austin Weekly News](#) • [Chicago Parent magazine](#)**

Software © 1998-2009 [tup! Software](#), All Rights Reserved



Monday, July 20, 2009

- [Nation & World](#)
- [Health](#)
- [Money & Business](#)
- [Education](#)
- [Opinion](#)
- [Science](#)
- [Photo](#)
- [Video](#)
- [Rankings](#)

Sebo's Nursing And Rehabilitation Center

4410 W 49Th Ave
Hobart, IN 46342
Telephone: (219) 947-1507

- [Print](#) |
- [Share](#)

Overall rating

★ ★ ★ ★ ★

Initial certification: 10/1/1992

Owner: For profit

Medicare/Medicaid Participation:
Both

**Continuing-care retirement
community:** No

Number of beds: 138

Part of a chain: Yes

[Find more Best Nursing Homes](#)

- [Health inspections](#)
- [Nurse staffing](#)
- [Quality measures](#)
- [Fire safety](#)

Health Inspection Deficiencies

★ ★ ★ ★ ★

(1=worst, 5=best)

**Deficiencies found in standard inspection(s) and
complaint investigations, 2/1/2008 to 4/30/2009**

[View previous
inspections](#)

Total number of health deficiencies for this nursing home: 51

Average number of health deficiencies (Indiana): 7

Average number of health deficiencies (U.S.): 9

[Back to Health Care Regulatory Services](#)

SEBO'S NURSING AND REHABILITATION CENTER

CONSUMER REPORT

Created on: 07/02/2009

Posted to the Web on: 07/15/2009

Facility Profile

Basic Information

Address: 4410 W 49TH AVE

City: HOBART

Telephone: (219) 947-1107

Most recent name change: SEBO HERITAGE MANOR NURSING HOME

Date of most recent name change: N/A

Owning corporation: SEBO'S NURSING AND REHABILITATION CENTER, LLC
2201 MAIN ST
EVANSTON IL 60202

Officer(s): ERIC ROTHNER
NATHAN ROTHNER
SHIPLEY ROTHNER
MARK STEINBERG

Name of previous owner: SEBO'S HERITAGE MANOR, INC.

Date of last change of ownership: 07/01/1996

Administrator: TERRY R GIBSON

Administrator start date: 05/06/2009

License number: 99-000366-2

License effective date: 05/01/2009

License expiration date: 07/31/2009

This facility has: A PARTIAL SPRINKLER SYSTEM

Number of comprehensive care resident rooms: 71

Number of comprehensive care resident rooms with battery
operated single station smoke alarms: 0

Number of comprehensive care resident rooms
with system based smoke alarms: 71

Number of common areas in comprehensive care area: 8

Number of common areas in comprehensive care area with battery
operated single station smoke alarms: 7

Number of common areas in comprehensive care area
with system based smoke alarms: 7

Date nurse aide classroom training program approved: 03/18/1998

Date nurse aide classroom training program expires: 04/01/2000

Date nurse aide classroom training program banned: 01/20/2009

Clinical training site for the following NAT classroom sites:

SEBO'S NURSING AND REHABILITATION CENTER

Approved: 04/11/1997 Banned: 01/20/2009

GARY AREA CAREER CENTER

Approved: N/A Banned: 01/20/2009

OLYMPIA COLLEGE

Approved: 07/29/1998 Banned: 09/19/2002

IN TRAINING COLLEGE OF ADULT EDUCATION

Approved: 06/20/1997 Banned: 01/20/2009

ST ANTHONY MEDICAL CENTER, INC.

Approved: N/A Banned: 09/19/2002

Beds

of Medicaid beds (NF): 0

of Medicare beds (SNF): 0

Denial of payment for new admissions
Date Imposed: 11/16/2005 Date Ended: 11/22/2005

Denial of payment for new admissions
Date Imposed: 01/25/2005 Date Ended: 03/04/2005

Federal Civil Money Penalty
Date Imposed: 10/25/2004 Date Ended: 03/04/2005
Amount proposed per day: 100

Denial of payment for new admissions
Date Imposed: 08/10/2002 Date Ended: 09/19/2002

Federal Civil Money Penalty
Date Imposed: 05/10/2002 Date Ended: 09/19/2002
Amount proposed per day: 200

Federal Civil Money Penalty
Date Imposed: 02/11/2002 Date Ended: 03/07/2002
Amount proposed per day: 3050

Federal Civil Money Penalty
Date Imposed: 05/09/2001 Date Ended: 04/17/2001
Amount proposed per day: 100

Federal Civil Money Penalty
Date Imposed: 06/11/1999 Date Ended: 09/30/1999
Amount proposed per day: 100

Federal Civil Money Penalty
Date Imposed: 05/10/1999 Date Ended: 06/10/1999
Amount proposed per day: 3050

Federal Civil Money Penalty
Date Imposed: 02/19/1999 Date Ended: 05/05/1999
Amount proposed per day: 50

Date terminated from Medicare/Medicaid: N/A

Reentry date for Medicare/Medicaid: N/A

Facility Services

[Return to search page](#)

[Back to Health Care Regulatory Services](#)

[Home](#) | [Nursing Home Grades](#) | [Nursing Home Grades](#)

Nursing Home Grades

The most comprehensive information on nursing homes, retirement homes, home health care, & assisted li

[Nursing Homes](#) | [Hospitals](#) | [Home Health Care Providers](#) | [Medicare Suppliers](#) | [Resources](#)

Find Local Nursing Homes

Free Assistance Finding the Right Skilled Nursing Facility Near You.

[Find Local Nursing Homes](#)

Find Long Term Care

Our Free Caregiver Referral Service Helps You Find Good Care Quickly.

[Find Long Term Care](#)

Get Nursing Home Ratings

Instantly compare nursing hom See rankings, problems, comp

[Get Nursing Home Ratings](#)

Ads by

[Home](#) > [Indiana](#) > [Hobart](#)

SEBO'S NURSING AND REHABILITAT

4410 W 49TH AVE
HOBART IN 46342
(219) 947-1507



Map data ©2009 Tele Atlas - [Terms of Use](#)

Ads by Google

Looking For Gov Records?

Unlimited Searches For All Records In Seconds From Your PC Order Now!

[Looking For Gov Records?](#)

Sex Offender Registry

Where do Sex Offenders live in Your Neighborhood? Find out in 60 secs!

[Sex Offender Registry](#)

Search For Sex Offenders

Are Sex Offenders Living In Your Neighborhood? Find Out Now - Free!

[Search For Sex Offenders](#)

Keep That Mind Active

Get an Advanced Education from Home Online. See Top Schools & Programs!

[Keep That Mind Active](#)

National Person Locator

Search free-over 1 Billion Records 100% Guarenteed

[National Person Locator](#)

Size (date of last inspection: 20060317)

138 total beds available

118 current residents

86% occupied

Staff Presence

3.75 nurse hours per resident per day

0.42 with Registered Nurses

1.02 with Licensed Practical Nurses

2.31 with Certified Nurse Assistants

Find Nursing Homes

Find Nursing Homes Near You. Free Service with No Obligation!

V V

Senior Housing Finder

Care planning and housing finder - from the Alzheimer's Association.

Ads by Google

Medicare and Medicaid

Yes participant in Medicare

Yes participant in Medicaid

Administration Details

- This home is owned by a for-profit corporation

- This home is not located within a hospital
- The owner does own other homes
- This home has resident councils

Resident Details (survey date 20060317)

- 2% Percent of Short-Stay Residents Who Had Moderate to Severe Pain
- 3% Percent of Low-Risk Residents Who Have Pressure Sores
- 51% Percent of Low-Risk Residents Who Lose Control of Their Bowels or Bladder
- 4% Percent of Residents Who Were Physically Restrained
- 14% Percent of Residents Whose Ability to Move About in and Around Their Room Got Worse
- 23% Percent of Short-Stay Residents With Pressure Sores
- 1% Percent of Short-Stay Residents With Delirium
- 22% Percent of High-Risk Residents Who Have Pressure Sores
- 15% Percent of Residents Who Lose Too Much Weight
- 12% Percent of Residents With a Urinary Tract Infection
- 30% Percent of Residents Whose Need for Help With Daily Activities Has Increased
- 13% Percent of Residents Who Spend Most of Their Time in Bed or in a Chair
- 2% Percent of Residents Who Have Moderate to Severe Pain
- 19% Percent of Residents Who are More Depressed or Anxious
- 10% Percent of Residents Who Have/Had a Catheter Inserted and Left in Their Bladder

Deficiencies Found in Home Inspections

- 7 Quality Care: Give residents proper treatment to prevent new bed (pressure) sores or heal existing bed sores.**
1...12 Level of Harm: Actual harm Scope: Isolated
 Survey Date: 20041209 Corrected By: 20050304
- 7 Quality Care: Make sure that each resident's nutritional needs were met.**
1...12 Level of Harm: Actual harm Scope: Isolated
 Survey Date: 20060317 Corrected by: 20060528
- 7 Quality Care: Give residents proper treatment to prevent new bed (pressure) sores or heal existing bed sores.**
1...12 Level of Harm: Actual harm Scope: Isolated
 Survey Date: 20060317 Corrected By: 20060528
- 5 Administration: Keep accurate and appropriate medical records.**
1...12 Level of Harm: Minimal harm or potential for actual harm Scope: Pattern
 Survey Date: 20060317 Corrected By: 20060414
- 5 Environmental: Make sure that the nursing home area is free of dangers that cause accidents.**
1...12 Level of Harm: Minimal harm or potential for actual harm Scope: Pattern
 Survey Date: 20041209 Corrected By: 20050121
- 5 Pharmacy Service: Keep the rate of medication errors (wrong drug,**

- 1...12 wrong dose, wrong time) to less than 5%.
Level of Harm: Minimal harm or potential for actual harm Scope: Pattern
Survey Date: 20041209 Corrected By: 20050121
- 5** **Nutrition and Diet:** 1) Provide 3 meals daily at regular times; or 2) serve breakfast within 14 hours after dinner; or 3) offer a snack at bedtime each day.
1...12
Level of Harm: Minimal harm or potential for actual harm Scope: Pattern
Survey Date: 20041209 Corrected By: 20050121
- 5** **Environmental:** Make sure there is a program to prevent/deal with mice, insects, or other pests.
1...12
Level of Harm: Minimal harm or potential for actual harm Scope: Pattern
Survey Date: 20041209 Corrected By: 20050121
- 5** **Administration:** Keep accurate and appropriate medical records.
1...12
Level of Harm: Minimal harm or potential for actual harm Scope: Pattern
Survey Date: 20041209 Corrected By: 20050121
- 5** **Environmental:** Provide needed housekeeping and maintenance.
1...12
Level of Harm: Minimal harm or potential for actual harm Scope: Pattern
Survey Date: 20060317 Corrected By: 20060526
- 5** **Quality Care:** Properly care for residents needing special services, including: injections, colostomy, ureostomy, ileostomy, tracheostomy care, tracheal suctioning, respiratory care, foot care, and prostheses.
1...12
Level of Harm: Minimal harm or potential for actual harm Scope: Pattern
Survey Date: 20060317 Corrected By: 20060526
- 5** **Environmental:** Provide needed housekeeping and maintenance.
1...12
Level of Harm: Minimal harm or potential for actual harm Scope: Pattern
Survey Date: 20041209 Corrected By: 20050121
- 5** **Resident Rights:** Immediately tell the resident, doctor, and a family member if: the resident is injured, there is a major change in resident's physical/mental health, there is a need to alter treatment significantly, or the resident must be transferred or discharged.
1...12
Level of Harm: Minimal harm or potential for actual harm Scope: Pattern
Survey Date: 20041209 Corrected By: 20050304
- 5** **Resident Rights:** Provide care in a way that keeps or builds each resident's dignity and self respect.
1...12
Level of Harm: Minimal harm or potential for actual harm Scope: Pattern
Survey Date: 20041209 Corrected By: 20050304
- 5** **Mistreatment:** 1) Hire only people who have no legal history of abusing, neglecting or mistreating residents; or 2) report and investigate any acts or reports of abuse, neglect or mistreatment of residents.
1...12
Level of Harm: Minimal harm or potential for actual harm Scope: Pattern
Survey Date: 20031021 Corrected By: 20031120
- 5** **Administration:** Give or get lab tests to meet the needs of residents.
1...12
Level of Harm: Minimal harm or potential for actual harm Scope: Pattern
Survey Date: 20031021 Corrected By: 20031120
- 5** **Quality Care:** Make sure that each resident's nutritional needs were met.
1...12
Level of Harm: Minimal harm or potential for actual harm Scope: Pattern
Survey Date: 20031021 Corrected By: 20031120
- 4** **Quality Care:** Provide social services for related medical problems to help each resident achieve the highest possible quality of life.

1...12 Level of Harm: Minimal harm or potential for actual harm Scope: Isolated
Survey Date: 20060317 Corrected By: 20060414

4 Quality Care: Give each resident enough fluids to keep them healthy and prevent dehydration.

1...12 Level of Harm: Minimal harm or potential for actual harm Scope: Isolated
Survey Date: 20031021 Corrected By: 20031120

4 Quality Care: Give each resident care and services to get or keep the highest quality of life possible.

1...12 Level of Harm: Minimal harm or potential for actual harm Scope: Isolated
Survey Date: 20060317 Corrected By: 20060414

4 Resident Rights: Provide services to meet the needs and preferences of each resident.

1...12 Level of Harm: Minimal harm or potential for actual harm Scope: Isolated
Survey Date: 20041209 Corrected By: 20050121

4 Quality Care: Give proper treatment to residents with feeding tubes to prevent problems (such as aspiration pneumonia, diarrhea, vomiting, dehydration, metabolic abnormalities, nasal-pharyngeal ulcers) and help restore eating skills, if possible.

1...12 Level of Harm: Minimal harm or potential for actual harm Scope: Isolated
Survey Date: 20060317 Corrected By: 20060528

4 Environmental: Make sure that staff members wash their hands when needed.

1...12 Level of Harm: Minimal harm or potential for actual harm Scope: Isolated
Survey Date: 20060317 Corrected By: 20060414

4 Environmental: Move, clean and store sheets, towels and other linens in a way that prevents the spread of infection.

1...12 Level of Harm: Minimal harm or potential for actual harm Scope: Isolated
Survey Date: 20060317 Corrected By: 20060414

4 Resident Rights: Immediately tell the resident, doctor, and a family member if: the resident is injured, there is a major change in resident's physical/mental health, there is a need to alter treatment significantly, or the resident must be transferred or discharged.

1...12 Level of Harm: Minimal harm or potential for actual harm Scope: Isolated
Survey Date: 20060317 Corrected By: 20060528

4 Resident Rights: Immediately tell the resident, doctor, and a family member if: the resident is injured, there is a major change in resident's physical/mental health, there is a need to alter treatment significantly, or the resident must be transferred or discharged.

1...12 Level of Harm: Minimal harm or potential for actual harm Scope: Isolated
Survey Date: 20031021 Corrected By: 20031120

4 Quality Care: Provide social services for related medical problems to help each resident achieve the highest possible quality of life.

1...12 Level of Harm: Minimal harm or potential for actual harm Scope: Isolated
Survey Date: 20041209 Corrected By: 20050121

4 Resident Rights: Keep each resident's personal and medical records private and confidential.

1...12 Level of Harm: Minimal harm or potential for actual harm Scope: Isolated
Survey Date: 20041209 Corrected By: 20050121

4 Quality Care: Make sure that residents with reduced range of motion get proper treatment and services to increase range of motion.

1...12 Level of Harm: Minimal harm or potential for actual harm Scope: Isolated
Survey Date: 20041209 Corrected By: 20050121

- 4 Quality Care:** Make sure that each resident's nutritional needs were met.
 1...12 Level of Harm: Minimal harm or potential for actual harm Scope: Isolated
 Survey Date: 20041209 Corrected By: 20050121
- 4 Pharmacy Service:** Provide drugs and related services needed by each resident.
 1...12 Level of Harm: Minimal harm or potential for actual harm Scope: Isolated
 Survey Date: 20041209 Corrected By: 20050121
- 4 Environmental:** Make sure that the nursing home area is safe, easy to use, clean and comfortable.
 1...12 Level of Harm: Minimal harm or potential for actual harm Scope: Isolated
 Survey Date: 20031021 Corrected By: 20031120
- 2 Administration:** Keep accurate and appropriate medical records.
 1...12 Level of Harm: Potential for minimal harm Scope: Pattern
 Survey Date: 20031021 Corrected By: 20031120
- 2 Resident Assessment:** Make sure all assessments are accurate, coordinated by an RN, done by the right professional, and are signed by the person completing them.
 1...12 Level of Harm: Potential for minimal harm Scope: Pattern
 Survey Date: 20031021 Corrected By: 20031120
- 2 Resident Assessment:** 1) Develop a complete care plan within 7 days of each resident's admission; 2) prepare a care plan with the care team, including the primary nurse, doctor, resident or resident's family or representative; or 3) check and update the care plan.
 1...12 Level of Harm: Potential for minimal harm Scope: Pattern
 Survey Date: 20041209 Corrected By: 20050121
- 2 Environmental:** Get rid of garbage properly.
 1...12 Level of Harm: Potential for minimal harm Scope: Pattern
 Survey Date: 20031021 Corrected By: 20031120

Hospitals in Hobart:

ST MARY'S MEDICAL CENTER - HOBART
 1500 S LAKE PARK AVE
 HOBART, IN
 Phone: 2199420551

Design ©2006 Nursing Home Grades. All rights reserved. Terms Of Use. All data provided by the US Department of Health and Human Services.

Industry News

New Violations Alleged at Troubled Berwyn Nursing Home: January Inspection Finds 6 Than Last Year's Annual Review

Source: Chicago Tribune
Publication date: February 19, 2009

By Sam Roe, Chicago Tribune

Feb. 10--The troubled "one-star" Berwyn nursing home featured in Sunday's Tribune has been hit with additional serious health violations, but the facility appears to be improving.

The state Monday released an inspection report showing that investigators found six violations at the Berwyn Rehabilitation Center during an unannounced visit last month -- far fewer than the 29 deficiencies found during last year's annual review.

Among the new violations, the report stated that the nursing home failed to quickly treat residents with wounds. For two days, inspectors observed a woman "with a large sore to her right side of the mouth. There was dried blood noted to the area," inspectors wrote. Yet "there was no intervention or assessment of the wound by staff."

The facility, 3601 S. Harlem Ave., was one of 81 nursing homes in the six-county Chicago area to receive a one-star quality rating by the federal government's new ranking system. Star ratings are updated the third Thursday each month. It was unclear whether the Berwyn home's new inspection report would affect the facility's rating.

In last month's visit, inspectors noticed another resident with "a long reddened area" on the right cheek. An inspector alerted the staff, but four hours later no one had addressed the problem. Only after the inspector complained again did the staff treat the resident.

The nursing home also did not have a working mechanical lift to help residents out of bed, resulting in the facility not providing showers or moving some patients from beds for days. Staff told inspectors there had been no lift for 10 days.

Other violations included staff not providing pain relievers as ordered and other medication at the correct times or doses.

The for-profit facility is owned by Eric Rothner, a manager of Berwyn Rehabilitation Center LLC.

"The nursing home is improving daily, and the latest inspection shows it," said Rothner.

He said he took over the facility last spring. "The previous owner was inept and really didn't do a good job," Rothner said. He said he has since increased staff, improved lighting and added large-screen TVs to the home.

Many of the facility's residents, he added, are "medically complex" and require constant care. "It's almost like a hospital."

The three-day inspection began Jan. 25, shortly after the Tribune requested state records of the facility and a re-

Last March, inspectors found more than two dozen violations, ranging from residents sitting in their own waste to

In July, an obese resident suffocated at the facility after becoming stuck between his inflatable mattress and side

sroe@tribune.com

To see more of the Chicago Tribune, or to subscribe to the newspaper, go to <http://www.chicagotribune.com>.

Copyright (c) 2009, Chicago Tribune

Distributed by McClatchy-Tribune Information Services.

[Home](#) > [berwyn rehabilitation center](#) >

Posted on February 13, 2009 by

No Rest For The Wicked... New Problems Detected At Berwyn Rehabilitation Center

Days after the Chicago Tribune ran an investigative piece on Berwyn Rehabilitation Center, a new inspection report was released by the Illinois Department of Health demonstrating that the facility has a long way to go to improve conditions at the facility. In an unannounced visit to the facility, state inspectors found six violations relating to nursing home care. Among the conditions discovered by inspectors and cited in their report:

- A resident with "a long reddened area" on the right cheek who received no attention from the staff four hours after a nursing home inspector brought the condition to the staff's attention
- The staff failed to inspect and treat open wounds. Inspectors noted a large sore on the side of a woman's mouth with dried blood, yet there was no intervention by the staff.
- Faulty equipment. For 10 days a mechanical lift used to transport residents from their beds was not working. Consequently, residents sat in their beds without being moved or showers for up to 10 days.
- Improper administration of medication. There were reports of the staff failing to provide pain medication as ordered by physicians and failing to timely administer medication.

A quick glance at the just the number of citations issued to Berwyn Rehabilitation Center, may appear as though the facility is making significant improvements. Compared to a similar unannounced visit last year, when the facility had 29 violations-- six violations this time around seems pretty good. The reality is that the violations against this facility are not minor. The violations indicate the staff at this facility is still not focused on correcting potentially dangerous conditions. Any of the above conditions cited to in the inspectors' reports could prove life threatening if left unremedied.

Berwyn Rehabilitation Center is a for-profit nursing home located at 3601 South Harlem Avenue. The Centers for Medicare have rated the facility one-star out of a possible five. The facility is owned by Eric Rothner, a manager of Berwyn Rehabilitation, LLC.

Related News Article On Berwyn Rehabilitation Center

New Violations Alleged At Troubled Berwyn Nursing Home, Chicago Tribune, February 10, 2009

Related Nursing Home Abuse Blog Entries

What Is It Like To Live In a One-Starred Nursing Home?

Nursing Homes Notified Of Their 'Five Star' Ratings Today

Nursing Home Rating System Reveals Inferior Care Provided At For-Profit Facilities

Tags: Illinois Nursing Homes, berwyn rehabilitation center, broken mechanical lift, chicago nursing home, failure to treat wounds

- [Email This](#)
- [Print](#)
- [Comments](#)
- [Trackbacks](#)

Posted on February 9, 2009 by

What Is It Like To Live In A 1-Starred Nursing Home?

Well, according to the [investigative article](#) by Sam Roe in yesterday's Chicago Tribune-- pretty miserable. Roe's article details [Berwyn Rehabilitation Center](#), a nursing home in the Chicago-area, that received one-star in every major category according to the Medicare rating system. The article demonstrates that although nursing homes must meet certain criteria set by the federal government, some nursing homes are doing little more than absolutely necessary to remain eligible for federal funds.

Since December, the federal government has begun posting on-line ratings on all nursing homes. Nursing homes receive a star rating in four categories on a scale of one to five, including overall quality according to information obtained via inspections and from the operators of the nursing homes.

The Medicare rating system of rating nursing homes has been criticized by the nursing home as being superficial and arbitrary because Medicare does not disclose its formula used to calculate the ratings. Nonetheless, information obtained via a Freedom of Information Act verifies the dismal living conditions at Berwyn Rehabilitation Center.



A recent state inspection of the Berwyn nursing home resulted in 29 violations relating to resident safety and care. The nursing home inspectors documented clear instances of nursing home abuse and neglect. Among the more disturbing findings:

- Bedsores on the buttocks of incontinent residents
- Unexplained bruising on the arms and legs of residents
- Staff allowing residents to sit in their own feces for hours on end
- Staff failing to administer medication to control residents' pain
- Staff failing to clean catheter tubing
- Staff failing to change dressings on wounds resulting in rapid development of pressure sores
- The inappropriate use of bed rails--using bed rails that did not fit on the bed and with residents that had no orders for their use

"This nursing home was really bad," according to Anjanette Miller, the new director of nursing at the Berwyn facility. Miller cites staffing problems as a contributing factor in the poor care. Workers "were punching in and doing nothing," she added. In an effort to turn things around the facility has fired the bad workers and has been under new management.

Nonetheless, problems at Berwyn Rehabilitation Center persist. In May, a resident became trapped between his inflatable mattress and the side rails of his bed. A Cook County medical examiner concluded he suffocated due to entrapment. An investigation into his death revealed the facility was using improperly fitted rails that were arbitrarily replaced by a nursing home employee shortly before his death.

Clearly, this nursing home needs a lot more change.

[Related Chicago Tribune Resources For Nursing Homes:](#)

[Five tips on how to check a nursing home](#)

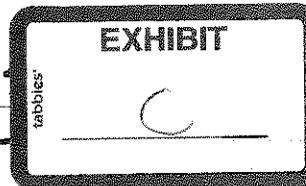
[Chicagoland's nursing homes](#)



096298

UNITED STATES GENERAL ACCOUNTING OFFICE
WASHINGTON, D.C. 20548

3.



73-0405

MANPOWER AND WELFARE
DIVISION

B-167656



SEP 14 1972

12
34

Dear Mr. Johnson:

The General Accounting Office has reviewed the Veterans Administration (VA) program for providing nursing home care to war veterans in State-operated nursing homes. Our review was performed at selected State nursing homes, State agencies, and VA facilities in Georgia, Nebraska, Missouri, New Jersey, and Wisconsin. We previously reviewed the operation of nursing care units in VA hospitals and the placement of veterans in community nursing homes.¹

Public Law 88-450, approved August 19, 1964 (38 U.S.C. 620, 5001, and 5033), authorized VA's nursing home care program. The program's objective is to provide VA with the facilities to care for war veterans who are not in need of hospital care but require skilled nursing care and related medical services. The effective operation of this program would reduce the cost of providing care to such veterans, since nursing home care is less costly than care provided in VA hospitals.

Our review showed that the program was meeting its objective and was providing war veterans with nursing home care at a lower cost to the Government than would generally be incurred in other nursing homes or in VA hospitals.

During our review we noted certain matters which we wish to bring to your attention. These relate to (1) staffing in the State-operated nursing homes, (2) procedures used in processing applications for construction grants, (3) use of the nursing homes, and (4) compliance with VA instructions pertaining to per diem payments and equipment approval.

¹"Need for Improvements in the Administration of the Veterans Administration Nursing Home Care Program" (B-167656, Sept. 29, 1969).

701265

096298

BACKGROUND

Public Law 88-450 defines nursing home care as follows.

"*** the accommodation of convalescents or other persons who are not acutely ill and not in need of hospital care, but who require skilled nursing care and related medical services, if such nursing care and medical services are prescribed by, or are performed under the general direction of, persons duly licensed to provide such care."

VA regulations specify that nursing home care will consist of skilled nursing care, supportive personal care, and individual adjustment services. Skilled nursing care includes nursing services which require training, judgment, and technical knowledge. Supportive personal care covers personal services, such as help in walking, bathing, dressing, and feeding and supervision of medication. Individual adjustment services pertain to the social, recreational, and constructive activities especially geared to the limitations of the patient.

The program provides financial assistance to States under a 10-year, grant-in-aid construction program to increase the number of State-operated nursing homes. The Congress has authorized annual appropriations of \$5 million for the program through fiscal year 1974, and about \$28 million has been appropriated through fiscal year 1972.

The authorizing act provides that:

--The amount of the VA grant for a State nursing home project shall not exceed 50 percent of the total estimated cost of construction.

--The facility will be used principally to furnish nursing home care to war veterans and that not more than 10 percent of the bed occupancy at any one time will consist of patients who are not receiving nursing home care as war veterans.

--If, within 20 years after completion of a grant project, the facility ceases to be operated by the State principally for furnishing nursing home care for war veterans, the United States shall be entitled to recover 50 percent of the then value of such facilities from the State or from the owner of such facilities.

--The State shall have control over the administration, personnel, maintenance, and operation of the nursing home.

The Administrator of Veterans Affairs is responsible for (1) prescribing the number of beds required to provide adequate nursing home care to war veterans, up to a maximum of 1-1/2 beds per thousand veterans in each State, and (2) reimbursing each State at the per diem rate of \$5 for each qualified war veteran receiving nursing home care in a State home, provided that such payment does not exceed 50 percent of the cost for providing such care.

As of December 31, 1971, 17 State nursing home projects--having 1,682 beds in operation--had been constructed under the program. The cost of these projects was \$25.5 million, of which VA's share was approximately \$11.7 million. Seven additional projects, having 1,209 beds, were in various stages of construction at that time. The total cost of these projects was estimated at \$19.4 million; VA's share of the cost will be about \$8.9 million.

Since the beginning of the program, the average daily patient census in State nursing homes has increased steadily from 156 patients in fiscal year 1965 to 2,898 patients in fiscal year 1971. In fiscal year 1971, State homes provided 1,057,759 days of nursing home care at a cost of about \$16.7 million, of which VA reimbursed the States about \$5.3 million. VA records for the period from July 1 to December 31, 1971, show that of the three segments of the nursing home care program--hospital units, community nursing homes, and State-operated homes--the lowest per diem cost incurred by VA was for care given in State homes.

Type of facility rendering <u>nursing home care</u>	Average per <u>diem cost</u>
State homes	\$ 4.93
Community nursing homes	16.03
VA hospital units	28.35

STAFFING FOR STATE NURSING HOMES

VA has established patient-staffing guidelines for its hospital nursing home care units which provide for 37 full-time equivalent nursing service personnel for every 100 nursing home care beds. VA has not established similar guidelines for State-operated homes because section 5037 of Public Law 88-450 did not provide VA with the necessary authority in this area. Instead, the respective States were given control over the administration, personnel, maintenance, and operation of the State-operated homes.

In its application for construction funds, a State must agree that the nursing home will comply with minimum standards prescribed by the State for such facilities. Three States included in our review had staffing guidelines for nursing care in State homes; two States had no guidelines. Where guidelines did exist, they differed and two of the three States had guidelines which were lower than those VA had established for nursing care in its hospital units.

	<u>Personnel to bed ratio</u>
VA	37:100
Georgia	35:100
Wisconsin	31:100
New Jersey	44:100

Although the New Jersey guidelines provided for a larger total staff, we found that the number of registered and licensed practical nurses was lower than that prescribed under the VA guidelines.

<u>Category of staff</u>	<u>Number</u>	
	<u>VA</u>	<u>New Jersey</u>
Registered nurses	10	6
Licensed practical nurses	6	2
Nursing assistants	<u>21</u>	<u>36</u>
Total	<u>37</u>	<u>44</u>

VA does not actively attempt to persuade the States to establish guidelines where none exist or to upgrade those which are below VA's.

The absence of overall guidelines pertaining to the minimum number of staff to be provided in State nursing homes has created a situation where the level of staffing has varied considerably in such homes. In some instances the State guidelines provide for a staffing level lower than what VA considers necessary to provide quality nursing care. We recognize that Public Law 88-450 gave the States control over the administration, personnel, maintenance, and operation of State nursing home facilities. However, because war veterans are the principal patients to be served by these facilities, we believe that VA should determine the actual staffing level provided by the State nursing homes and, when necessary, should actively encourage the States to upgrade the staffing level to the appropriate minimum.

PROCESSING GRANT APPLICATIONS

VA's Office of Construction, Office of the Controller, and Department of Medicine and Surgery are responsible for reviewing, approving, and funding State nursing home care construction projects. As appropriated funds become available each year, VA makes commitments to States in the order in which applications are received.

VA procedures for processing grant applications require that all applications and supporting data be reviewed for compliance with existing VA criteria. The supporting data includes construction drawings and specifications, a narrative

summary of the need for the facility together with the method of determining such need, a description of the types of services to be provided, and the number and types of personnel to be employed. Also, the procedures provide that justification of the need for the project be based on available local studies or other data.

Although the States generally submitted a narrative summary of their need for the project, they did not submit local studies demonstrating the need for such projects. A VA central office official advised us that VA did not investigate the need or justification for a project. As long as the total number of nursing care beds in existence after construction would not exceed 1-1/2 beds per 1,000 veterans in the State, the project was considered justifiable.

The State nursing home program is at a stage where the demand for facilities exceeds their availability; as a consequence, underutilization of facilities has not been a problem to date. We believe that the 1-1/2 beds per 1,000 veterans criteria is intended as a maximum and that only those projects which have been justified on the basis of need should be undertaken.

Therefore, we suggest that each proposal for the construction of a nursing home under this program be supported by meaningful data regarding the need for the facility and that VA fully evaluate such data before approving a project.

USE OF STATE-OPERATED NURSING HOMES

Nebraska, Missouri, and Wisconsin have established a residency requirement and/or a restrictive definition on the periods of eligible military service which qualify a war veteran for nursing home care. A comparison of VA's and Nebraska's eligibility periods follows.

<u>Period of service</u>	<u>VA qualifying period</u>	<u>Nebraska qualifying period</u>
Korean Conflict	June 27, 1950, to Jan. 31, 1955	June 25, 1950, to July 27, 1953
World War II	Dec. 7, 1941, to Dec. 31, 1946	Dec. 7, 1941, to Sept. 2, 1945

Although we did not find any such instances during our review, these requirements could result in war veterans' being denied care in a federally assisted nursing home even though they are eligible under VA regulations.

Public Law 88-450 requires that not more than 10 percent of the bed occupancy at any one time can consist of patients who are not receiving nursing home care as war veterans. The nursing homes reviewed in Wisconsin and Nebraska were not complying with this requirement.

At June 30, 1971, one nursing home in Wisconsin had about 34 percent of its beds occupied by patients receiving domiciliary rather than nursing home care. Domiciliary care is generally provided to aging veterans who need care but do not require hospitalization or skilled nursing services.

A Nebraska nursing home initially accepted patients on April 1, 1969. Occupancy by war veterans receiving nursing care during the period April 1969 through June 1971 ranged from 52 to 85 percent. The persons in the nursing home that were not war veterans receiving nursing care were wives and widows of veterans and war veterans receiving domiciliary care.

We believe that VA should determine whether the differing eligibility requirements among the States is precluding war veterans deemed eligible for care under VA requirements from receiving care in State-operated nursing homes. Because the authorizing legislation prescribed that a minimum of 90 percent of the bed occupancy of such homes be used for war veterans receiving nursing home care, VA should determine whether these facilities are being used for the purposes intended.

Where eligible veterans are precluded from receiving care and facilities are not being used properly, VA should take appropriate remedial action.

COMPLIANCE WITH VA INSTRUCTIONS

At several locations, we found instances where existing VA instructions for approving per diem payments and equipment acquisitions were not being followed.

Public Law 88-450, as amended by Public Law 90-432, provides that the Administrator of Veterans Affairs determine whether veterans are eligible to receive nursing home care in a State home and, on the basis of that determination, reimburse each State at a per diem rate not to exceed \$5 for each eligible veteran.

VA instructions require that, for State homes to qualify for VA per diem payments, the VA field station having jurisdiction over the geographical area in which the veteran has established permanent residence verify that patients in State homes are war veterans requiring nursing home care. The instructions further provide that a VA physician make the medical determination of the patient's need for such care on the basis of the information contained in his application.

VA stations included in our review in New Jersey and Missouri were not complying with the VA instruction that a VA physician determine the need for nursing home care before approving per diem payments. The VA official in Missouri informed us that he would take the necessary action to insure compliance with this requirement in the future. The VA official in New Jersey said that after becoming aware of this situation he had taken corrective action.

With respect to equipment acquisitions, the State is responsible for the selection and purchase of all equipment necessary for the State-operated nursing home project. Under VA instructions, the State, as soon as possible after the award of the construction contract, must submit for VA's approval a listing of equipment not included in the construction contract.

B-167656

Nebraska officials had not submitted a listing for equipment costing about \$335,000 and New Jersey officials had not submitted a listing of equipment costing about \$115,000 until 17 months after the construction contracts were awarded.

We believe that VA should insure that instructions issued to assist in the administration and management of the program are followed at all appropriate levels.

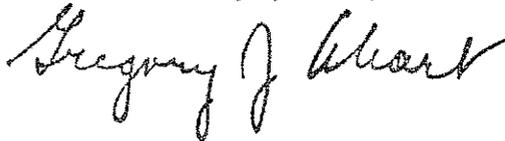
- - - -

The matters covered in this letter have been discussed with VA officials responsible for the State nursing home program; they agreed to examine them.

Copies of this report are being sent to the Director, Office of Management and Budget, and to the Senate and House Committees on Veterans' Affairs, Appropriations, and Government Operations.

We appreciate the cooperation and courtesy extended to us by VA, State agency, and State nursing home personnel during our review.

Sincerely yours,



Director, Manpower
and Welfare Division

The Honorable Donald E. Johnson
Administrator of Veterans Affairs