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**FOR IMMEDIATE RELEASE**

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**East Central Regional Human Rights Authority  
Good Shepherd Manor  
Report of Findings  
Case #19-060-9002**

The East Central Human Rights Authority (HRA) of the Illinois Guardianship and Advocacy Commission voted to pursue an investigation of Good Shepherd Manor after receiving the following possible rights violation complaint:

**Complaints:**

1. Inadequate care. Provider terminated staff and asked staff to leave the CILA, leaving the 6 consumers residing there unsupervised with an untrained security guard.

If the allegations are substantiated, they would violate protections under the CILA regulations Rule 115 (Ill. Admin. Code tit. 59, § 115.320b and 115.320d).

**Complaint Summary:**

On August 1, 2018 the provider discharged a staff member in the middle of the night. The 6 consumers residing at the CILA were left alone with a security guard (who had not received adequate training to care for the consumers) until another staff member could arrive.

**Investigation**

The HRA had no documented consent from the consumers residing at the CILA to review their records. The HRA visited the facility and the program representatives were interviewed. Relevant documentation, practices, and policies were reviewed.

**Interviews:**

On January 9, 2019 at 11:00am, the HRA met with the Good Shepherd Manor Director. The meeting occurred at 4129 N State 1-17 in Momence and began with introductions, a review of HRA procedures, and a review of the allegations being addressed in this investigation.

The Director provided some general information about Good Shepherd Manor. They serve 114 consumers in their residential/CILA program and 118 consumers in their day treatment program (114 of those consumers coming directly from the CILA homes). All CILA homes are required to have a minimum of one Direct Service Professional (DSP) at each home. Some homes serve individuals with more extensive needs and have more than one DSP scheduled at a time. The

facility director and an additional supervisor are available during each shift to respond to a variety of issues that may arise in any of their 13 homes. The supervisor and director have the required DSP certifications to supervise consumers. A security guard is on site 24 hours per day. The security guards are contracted through a security company that conducts all the hiring and training for these staff. Security guards do not receive any training from Good Shepherd Manor.

Good Shepherd Manor has a Human Rights Committee and Behavioral Management Committee that meet quarterly. Neither of these committees reviewed the issues reported in this complaint because Good Shepherd Manor views this issue solely as an employee disciplinary problem.

The Director reported that on August 1, 2018 Good Shepherd Manor staff believed that a staff member had neglected the consumers in the home by leaving them unattended for 10 to 30 minutes. The Good Shepard Manor staff was concerned for the consumers' safety because the staff member had returned and was upset and screamed at the security guard. The Director instructed the security guard to relieve the staff member of keys and force the staff member to leave the premises pending an investigation. The staff member stopped working at 4:55am, leaving the security guard to supervise the consumers until an alternate staff member could arrive. The alternate staff member arrived at 5:13am. The Director reported that the staff member is still on leave, pending an Office of Inspector General investigation for the alleged neglect that occurred during this incident.

Good Shepherd Manor reported that there are policies regarding "call offs" and absences. Since the provider is responsible for 24-hour supervision, the staff are expected to find coverage if they are unable to perform their duties during their scheduled shift. There is no protocol for a staff member that needs to leave work early as it is not allowed for any reason. The provider stated that there is a supervisor present on site for all shifts that can assist during emergencies, however, that supervisor is not able to cover any staff member's full shift or short-term absence. The supervisor present on August 1, 2018 was not able to assist with this incident because assistance was needed at another home on the property.

The Director reported that there is no formal policy or documentation for this incident, including no unusual incident report. Good Shepherd Manor does not believe there is a need for a written policy for emergencies because leaving during the shift is not allowed. The Director stated that nursing staff assessed the consumers residing in the home on the morning on August 1, 2018 and it was determined they were not impacted by the lack of supervision and, therefore, no notes or incident reports were completed. There are staff statements that were completed and placed in the staff member's personnel file which were provided to the HRA.

Good Shepherd Manor stated that no changes have been made to policy, procedure, or operations because of this incident. The director believes that this is a direct result of the employee's neglect of the consumers and there is nothing that the provider could have done or should do differently in the future.

#### **Records Reviews:**

Good Shepherd Manor provided the HRA with copies of statements made by Good Shepherd staff giving their personal perspectives of the events that occurred. Each statement provided supports that the staff member responsible for the home could not be located from 3:52am to 4:36am and when the staff member returned to the home, the staff member was relieved of her duties pending a further investigation.

Individual time cards provided indicate that a staff member clocked out at 4:55am and that another staff member clocked in at 5:13am.

## **Policy Reviews**

Good Shepherd Manor provided the HRA with the following policies; Advance Notice of Absence, Notification of Absence, Section 700 – *General Employee Policies*, Section 701- *Call Off Procedure*, and Section 780 - *Standard Rules of Conduct*. Section 700 has a section titled “Tardiness/Early Departure”, however, nothing in that section provides any description of what to do in the event of an early departure. There were no policies or protocols provided to the HRA that outline what Good Shepherd Manor staff does is if a scheduled staff member is absent or leaves their assigned location.

## **Conclusions**

**Complaint 1. Inadequate care. Provider terminated staff and asked staff to leave the CILA, leaving the 6 consumers residing there unsupervised with an untrained security guard.**

Rule 115 (Ill. Admin. Code tit. 59, § 115.320b) states “1) Mental health and developmental disabilities employees shall be licensed or certified as required by Illinois laws. 2) When paraprofessional or untrained employees are used in direct services, they shall be supervised in the provision of services by professional employees.” Illinois Administrative Code (Ill. Admin. Code tit. 59, § 115.320d) states “Direct service employees and any other compensated persons with responsibility for direct care of individuals served shall demonstrate competence in training areas listed in subsections (d)(1)(A) through (M) as a part of an orientation program. Anyone specified in this subsection (d)(1) without previous experience in direct service to individuals shall receive training and demonstrate competence prior to unsupervised responsibility for direct service unless trained employees are on site and available for on-the-job training.”. Illinois Administrative Code (Ill. Admin. Code tit. 59, § 115.320g) states “g) Unusual incidents 1) The agency shall have written policies and procedures for handling, investigating, reporting, tracking and analyzing unusual incidents through the agency's management structure, up to and including the authorized agency representative. The agency shall ensure that employees demonstrate their knowledge of, and follow, such policies and procedures. Unusual incidents shall include, but are not limited to, the following: A) Sexual assault; B) Abuse or neglect; C) Death; D) Physical injury; E) Assault; F) Missing Persons; G) Theft; and H) Criminal conduct.2) Within 24 hours of occurrence the agency shall report any incident which is subject to the Criminal Code of 1961 [720 ILCS 5] to the local law enforcement agencies.3) The agency shall ensure that suspected instances of abuse or neglect against individuals in programs which are licensed by the Department are reported to the Office of Inspector General (Section 6.2 of the Abused and Neglected Long Term Facility Residents Reporting Act [210 ILCS 30/6.2]).”

Good Shepherd Manor staff believed that a staff member had been neglectful to the consumers in their care by leaving the home unattended for anywhere from 10 to 30 minutes. Also, the staff member's behavior upon return posed a risk of harm to the consumers because the staff member was upset and screamed at the guard. The Director instructed the security guard to request the staff member leave the premises pending an investigation. The staff member left the home at Good Shepherd Manor 18 minutes prior to another trained staff's arrival. The home was monitored for those 18 minutes by the security guard who is not properly trained to provide treatment to the residents.

While the HRA understands that Good Shepherd Manor made decisions that they believe were in the best interest of the consumers during an emergent situation, it is still the provider's responsibility to assure that the consumers in their care are supervised by trained staff, even if the residents are to be supervised for a short amount of time per Ill. Admin. Code tit. 59, § 115.320. Based on the findings above the East Central Human Rights Authority concludes that the complaint is substantiated. The HRA makes the following recommendations:

1. Good Shepherd Manor will assure that, even in emergency instances, trained staff are supervising CILA residents per Ill. Admin. Code tit. 59, § 115.320. Provide the HRA with evidence that any future instances will have trained staff monitoring the residents.

In addition, the HRA makes the following suggestions:

1. Good Shepherd Manor create a policy or written protocol about coverage in the event of an emergency. The provider must be prepared for the rare and unlikely circumstances that a staff member would need to leave their post (ie a family emergency, sudden illness, or an emergency involving a consumer on the premises, etc.)

2. Good Shepherd Manor review Ill. Admin. Code tit. 59, § 115.320g regarding Unusual Incident Reporting to assure that all staff understand that any time there is suspected abuse and/or neglect formal documentation of the incident should be completed and reported to the appropriate entities.

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## **RESPONSE**

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

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GOOD SHEPHERD MANOR

P.O. Box 260  
Mornence, Illinois 60954  
(Located at 4129 N. Rte. 1 & 17)  
Telephone: (815) 472-3700

April 22, 2019

Regional Human Rights Authority  
2125 S First St.  
Champaign, IL 61820

RE: Requested Response, Case #19-060-9002

With regard to recommendations:

1. Good Shepherd Manor will assure that, even in emergency instances, trained staff are supervising CILA residents.

With regard to suggestions:

1. Good Shepherd Manor has an existing protocol that staff may be reassigned to ensure coverage for all program areas.
2. Good Shepherd Manor has and uses an existing form for the reporting of unusual occurrences. The occurrence in question was reported within required timeframe to the appropriate entities, as are all occurrences that the agency is made aware of and require reporting.

Kristen Stockle  
Residential Director  
Good Shepherd Manor

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APR 25 2019

IGAC  
EAST CENTRAL OFFICE

REGIONAL HUMAN RIGHTS AUTHORITY

HRA CASE NO. 19-060-9002

SERVICE PROVIDER: Good Shepherd Manor

Pursuant to Section 23 of the Guardianship and Advocacy Act (20 ILCS 3955/1 *et seq.*), we have received the Human Rights Authority report of findings.

**IMPORTANT NOTE**

Human Rights Authority reports may be made a part of the public record. Reports voted public, along with any response you have provided and indicated you wish to be included in a public document will be posted on the Illinois Guardianship and Advocacy Commission Web Site. (Due to technical requirements, your response may be in a verbatim retyped format.) Reports are also provided to complainants and may be forwarded to regulatory agencies for their review.

We ask that the following action be taken:

We request that our response to any recommendation/s, plus any comments and/or objections be included as part of the public record.

We do not wish to include our response in the public record.

No response is included.

Krista Stalke  
NAME

Asst. Dir. Director  
TITLE

04/22/2019  
DATE