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HUMAN RIGHTS AUTHORITY-SPRINGFIELD REGION

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REPORT 21-050-9003  
BETHESDA LUTHERAN COMMUNITIES

The Human Rights Authority (HRA) reviewed the services provided to adult residents in a Bethesda Community Integrated Living Arrangement (CILA) after receiving complaints that there was a lack of active treatment in the home and that the residents are made to stay in their rooms all day. Substantiated findings would violate protected recipient rights under the Mental Health and Developmental Disabilities Code (405 ILCS 5) and the CILA Rules (59 Ill. Admin. Code 115).

Bethesda managed seven homes in Springfield and served about thirty-one residents at the time of our interviews in March 2021. This CILA had three female residents and one male resident; two had just moved out. The HRA reviewed six masked personal plans, monthly progress notes, T-logs and related program policies. Regional managers were interviewed as well.

FINDINGS

Resident 1's plan states that she loves working at the day training center and is friendly and outgoing. She prefers to play games on her laptop and put puzzles together. She enjoys arts and crafts, painting, watching tv, listening to music, dancing, dining out and going to the movies. She chooses a leisure activity, sits outside when the weather permits or relaxes in her room after work. Staff are to help her maintain important relationships by assisting with phone calls and mail. Resident 1 is allowed up to three hours of unsupervised time in the home and up to two hours of unsupervised time in the community. Matching progress notes for October and November 2020 showed that the resident was unable to attend church or other community activities due to the pandemic. She was however able to purchase arts and craft materials online, have phone calls with relatives and participate in at-home day services, cooking, bingo and bible study.

Resident 2's plan states that she is legally blind, partially deaf, requires twenty-four-hour supervision and help with activities of daily living. She enjoys relaxing in her chair, listening to music and the tv, doing large-piece puzzles, stringing beads and going to church and a monthly dance. Matching progress notes also referred to community restrictions given the pandemic, but that the resident was able to do her daily devotions in the home, participate in at-home day services and bingo.

Resident 3 loves jewelry and going shopping or out to eat with friends. She likes her home, decorating her room and helping with cooking. She attends a cooking class, church and maintains regular contact with her parents and sister by phone, mail and many visits. She also enjoys movies, game night and monthly dances. The resident is to have twenty-four-hour support in the home and in the community. Since community outings were impossible, Resident 3 spent time with staff and housemates, watched church on tv, and took part in at-home day services, card games, cooking and bingo according to her monthly progress notes.

Resident 4's plan describes her as a happy woman who loves to dress up, collect dolls, watch musical movies, listen to music and dance. She enjoys going on outings and attends church and bible study. The resident is non-verbal but knows a few signs. She enjoys the privacy of her own room. She is to have twenty-four-hour support and help with using the phone and all activities of daily living. Progress notes report that the resident took part in at-home day services, daily devotions, bingo, cooking and coloring.

Resident 5 is an older gentleman with total blindness. He requires staff assistance with bathing although he can dress himself and navigate around the home independently. His activities are limited given his visual impairment, but he enjoys singing, going to social events to sing such as the Special Olympics and nursing homes, and he maintains contact with his siblings. Monthly progress notes state that he spent time listening to music, cooking, studying the bible and playing bingo.

Resident 6's plan states that he is non-verbal and enjoys laughing and clapping his hands. He needs total assistance with bathing, dressing and eating. He likes going to church and a monthly dance, his day training center, the muni opera, going for car rides and taking walks outside when it is warm. Progress notes showed that he visited with staff and housemates, joined at-home day services, cooking, coloring and listening to music.

T-logs or reports of what goes on with individuals in the CILA during a day were reviewed covering October 2020 through February 2021. October through December only documented nine or ten days each month while in January and February it improved to nearly every day. Exercising, playing board and card games, watching tv shows and movies, taking walks around the house, spending time outside on the swing, drawing, painting, listening to music, doing puzzles, baking, decorating pumpkins, playing catch outside, playing bingo, and dancing were some of the residents' activities. The notes included vital checks on some residents, assistance with hygiene, eating and dressing for others and taking some to doctor appointments in addition to the activities. A few entries referred to residents rocking in their chairs and relaxing in their rooms, but no indication they were spending all their time in their rooms.

The manager for all seven Springfield homes said that he gets to this particular CILA about once per week but can be reached any time by the lead staff if needed. He said he “pops in” to see what goes on, especially during the day and believes for a time the staff were not engaging the residents who seemed to be bored. He met with the CILA staff on the matter and they have since improved efforts to keep residents active and improve their documentation on the T-logs. He mentioned one resident who tends to spend a lot of time in her room and they respect her preference, but no resident is made to stay in his or her room.

The challenges of home confinement during the pandemic were discussed. The managers we spoke with explained that visitors have not been allowed in the homes although that is starting to change. They were doing zoom visits and the residents have always been able to make phone calls to whomever they wanted, but they only went out for doctor appointments or essential shopping and haircuts on a case by case basis. Day training was shut down so at-home day services were provided Monday through Friday from 9 a.m. to 2 p.m. One resident chose to participate on and off while the other five participated all the time. Rotating staff lead the day services which typically includes arts and crafts, exercises, bible study and bingo. Bethesda also sent out “virtual day programming” that included cooking and crafts. On weekends the residents are offered arts and crafts, indoor bowling, bean bag toss and movies in the afternoon or evenings, but not all day. They can watch church on tv, or the services are recorded and watched during the week. The managers said that although programming has been a challenge, they assured that personal plans are followed except for the community related portions. Resident 1 is still able to complete art projects and make phone calls or send mail; Resident 2 is assisted with her personal hygiene, she can relax in her chair and listen to music and watch church on tv; Resident 3 can still have contact with her family and cook with staff assistance; Resident 4 still makes phone calls and completes her devotions; Resident 5 can keep in contact with his siblings and Resident 6 can also watch church on tv, help with cooking and take walks outside.

## CONCLUSION

Bethesda has Person Directed Planning and Natural Supports policies that assure *person-centered* plans are in place and functional and that relationships with friends, families and others in the community are promoted.

Under the MHDD Code, “A recipient of services shall be provided with adequate and humane care and services in the least restrictive environment, pursuant to an individual services plan.” (405 ILCS 5/2-102a). Medicaid Home and Community Based Services Rules and Illinois’ CILA Rules require person-centered planning, for services to be oriented to the person with appropriate supports to meet individual needs. A Community Support Team, through the interdisciplinary team process, shall be responsible for helping individuals access the services specified in their plans and assist with activities of daily living. (42 CFR 441.725; 59 Ill. Admin. Code 115.200; 220; 230).

The HRA recognizes that residents do not have to be active every minute in their homes and that pandemic restrictions have limited their community access. Although a variety of in-home

activities are shown on monthly progress notes and T-logs for some days, 20-day or more gaps with nothing recorded in October through December is excessive and given the home manager's statement that he thought the staff were not engaging residents at that time, the complaint is substantiated. Bethesda has since remedied the matter by retraining the home's staff and providing evidence of improved documented activity. No recommendations are issued.

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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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