

Fear of Retaliation from Sexual Abuser

The nursing home failed to: a. ensure resident 40 was free from sexual abuse by a staff member; b. implement their abuse policy to ensure that resident 40 was free from sexual abuse by a staff member; c. ensure all allegations of staff to resident sexual abuse were reported to the State Agency for resident 40; and d. ensure all allegations of staff to resident sexual abuse were thoroughly investigated for resident 40.

Resident 40 had no cognitive deficits. The resident was discharged to a hotel, then returned to the nursing home, then discharged to the hospital for a surgical procedure, and did not return to the nursing home.

One day at 12:30 PM, Resident 40 shared with Medical Records Clerk (MRC) she received inappropriate text messages from NA 99. The text messages included a video of two people having sex. Resident 40 replied to the text stating it was disgusting and she didn't like things like that. NA 99 sent another text to resident 40 stating, "Can I [expletive] you in the [expletive] tonight?" When recounting the incident, resident 40 became tearful and was afraid of retaliation. At 12:55 PM, the nursing home notified the police of the alleged sexual abuse. At 3:10 PM, the Social Worker offered counselling services to resident 40 and she declined. The resident was also offered transport to the hospital for an evaluation, and she declined. At 4:10 PM, a Self-Report Incident was submitted to the State Agency regarding the sexual abuse allegation. At 8:45 PM, NA 99 was suspended and nine days later his employment was terminated.

A witness statement by MRC revealed resident 40 came to her and stated she was scared to come back to the nursing home, but she did so because she had nowhere else to go. She felt like an employee was sexually harassing her. At this time, the resident would not name the alleged perpetrator because the employee had friends and family who resided in the nursing home, and she was worried about retaliation. The resident added that one time a phlebotomist caught her and the employee in a very compromising position. The phlebotomist later confirmed witnessing it but did not report it to any staff.

Police detective statement revealed: Resident 40 reported she had non-consensual sex with an employee at the nursing home a handful of times because he threatened her, and she was scared of him. The resident would not reveal the employee's name because she was afraid of what he would do to her. Later that day, the resident named the employee as NA 99 and stated she was afraid NA 99 would have her kicked out of the nursing home if she did not comply with what he wanted her to do.

NA 99 admitted sending nasty text messages to resident 40 but stated he never acted on any of the texts. The aide denied ever having sex or any type of intimacy with resident 40 or ever threatening her. Nearly a month after the initial allegation was made to her, the MRC visited resident 40 at the new care home she now resided at, and the resident revealed she was still fearful of NA 99.

Name of Nursing Home	Promedica Skilled Nursing & Rehab Westerville / Provider ID: 365611 [Alternative name: Heartland of Westerville]
Address	1060 Eastwind Drive, Westerville, Ohio
Date investigation completed	November 5, 2019
Type of deficiency issued	F600 – Freedom from Abuse, Neglect, and Exploitation F607 – Develop/Implement Abuse/Neglect, etc. Policies F609 – Reporting of Alleged Violations F610 – Investigate/Prevent/Correct Alleged Violation
Severity level	Immediate Jeopardy
Overall Quality Star Rating: 2; Staffing Rating: 3	

Investigation report: No longer available on *Care Compare* website.