

Sexual Abuse Followed by Threat of Retaliation

The nursing home failed to: a. ensure three residents were free from sexual abuse from CNA 1; b. identify CNA 1’s inappropriate sexual behaviors observed and exhibited prior to the alleged sexual abuse to residents 1, 2 and 3, and immediately implement safeguards to prevent further potential sexual abuse.

The deficient practice resulted in non-consensual sexual abuses to these three residents by CNA 1.

Resident 1 was moderately impaired in cognitive skills (based on MDS assessment) and required extensive assistance for bed mobility, transfers, toileting, and personal hygiene.

A review of resident 1’s Progress Notes indicated that the resident alleged that on a Saturday at 8:00 PM, two staff members (unidentified) performed inappropriate sexual actions and told him not to speak regarding the incident. The notes indicated the curtains were closed and a staff member (unidentified) pulled his pants down and touched the resident’s hands and offered to participate in oral sex and anal sex. The notes indicated the resident denied participating in the activity.

A review of Police Narrative indicated: a. at approximately 8:00 PM that day, CNA 1 and CNA 2 entered resident 1’s bedroom and CNA 1 exposed his buttocks and asked resident 1 if he wanted to have sex while CNA 1’s buttocks were exposed; b. CNA 2 threatened the resident with retaliation if resident 1 said anything about the incident and that there were numerous victims (unidentified number).

During an observation and interview, resident 1 stated that on that same day at around 8:00 PM or 9:00 PM inside his bedroom, CNA 1 showed him his butt, touched his arm in a sexual manner, and asked him for sexual favors. Resident 1 stated he was afraid because CNA 1 and CNA 2 told him not to say anything and stated they grabbed his right leg causing him to have pain.

During an interview, CNA 3 stated she had been working at the nursing home for about nine years and CNA 1 tended to flirt with men since CNA 1 started working at the home. She stated CNA 1 would pull his pants down and would say, “Look at my butt” to other male staff and CNA 2 would laugh.

Resident 2 and resident 3 were both cognitively intact (based on MDS documentation). Police Narrative indicated that CNA 1 also exposed his buttocks to and fondled resident 2’s genital area (testicles) on two occasions and that CNA 1 also fondled resident 3’s genitals (penis and testicles) on two occasions.

The Director of Nursing stated he believed the three residents’ statement and felt the allegations were substantiated. CNA 1 was suspended on Monday (two days after the sexual abuse of resident 1) and could return to work on Friday (the same week).

Name of Nursing Home	Royal Palms Post Acute / Provider ID: 055899
Address	630 W. Broadway, Glendale, California
Date investigation completed	October 21, 2020
Type of deficiency issued	F600 – Freedom from Abuse, Neglect, and Exploitation
Severity level	Minimal Harm or Potential for Actual Harm
Overall Quality Star Rating: 2; Staffing Rating: 4	

Investigation report: <https://www.medicare.gov/care-compare/inspections/pdf/nursing-home/055899/health/complaint?date=2020-10-21>