

DEPARTMENT OF PUBLIC HEALTH  
STATE OF ILLINOIS

THE DEPARTMENT OF PUBLIC HEALTH	)	Docket No. NH 23-SR-0209
STATE OF ILLINOIS,	)	
Complainant,	)	
	)	
v.	)	
CLAYBERG, THE	)	
COUNTY OF FULTON	)	
	)	
Respondent.	)	

**NOTICE OF STAFFING VIOLATION(S) AND REQUIRED PLAN OF CORRECTION-  
IMPLEMENTATION PERIOD**

Pursuant to the authority granted by the Nursing Home Care Act (210 ILCS 45/1-101 et seq.) (hereinafter, the "Act"), the following NOTICE IS HEREBY GIVEN:

It is the determination of the Illinois Department of Public Health (hereinafter, the "Department") there has been a failure by Respondent to comply with the Act. The Department has determined that such violations constitute one or more staffing violations of the Nursing Home Care Act (210 ILCS 45/3-202.05) (hereinafter, the "Act") and the Skilled Nursing and Intermediate Care Facilities Code (77 Ill. Adm. Code 300.1210-1240) (hereinafter, the "Code"). This determination is based on review of the staffing report submitted by your facility for the quarter period ending March 31, 2023. A detailed breakdown of the calculations resulting in a penalty is attached hereto and incorporated herein as Attachment A. **Please note that no fine is being imposed and no fine is due to the Department for the instances of noncompliance identified in this Notice.** Additionally, because no financial penalties will be assessed during the implementation period, the waiver provisions of 210 ILCS 3-202.05(g) of the Act and Section 300.1234(a)(6)-(7) are not applicable to this Notice. Any requests for a waiver will not be considered by the Department.

For the purpose of computing staff to resident ratios, direct care staff includes the following consistent with Section 300.1230(i) of the Code:

- Registered Nurse (RN);
- Licensed Practical Nurse (LPN);
- Certified Nurse Assistant (CNA);
- Psychiatric services, rehabilitation and therapy aides, psychiatric services rehabilitation coordinators;
- Assistant Director of Nursing (ADON);
- 50% of the Director of Nurses' time;
- 30% of the Social Services Director's time; and
- Licensed physical, occupational, speech and respiratory therapists.

During the implementation period which was extended to end on January 1, 2025 by Public Act 102-1118, as contemplated by the Act, the Department will, on a quarterly basis, notify facility of any identified staffing deficiencies and require the facility to provide a sufficiently detailed correction plan that describes proposed and completed actions the facility has taken or will take, including hiring actions, to address the facility's failure to meet the statutory minimum staffing levels.

Based on the aforementioned Public Act, monetary penalties shall be imposed beginning no later than July 1, 2025, based on data for the quarter beginning January 1, 2025 through March 31, 2025 and quarterly thereafter. No facility may appeal the notice of noncompliance during the revised implementation period. Section 3-202.05(g) of the Act. Any appeals submitted for this implementation period notice where no monetary penalties are being posted, will not be considered by the Department.

For any quarter during the implementation period that a facility is identified as noncompliant, the facility must post a staffing shortage notice in the facility and submit a written Plan of Correction ("POC") to the Department as further described below.

### **REQUIRED PLAN OF CORRECTION**

The facility is required to submit a written POC to the Department within **10 days** of receipt of this Notice that sufficiently describes proposed and completed actions the facility will take or has taken to address the facility's failure to meet the minimum staffing ratios required under the Act and Code. The POC must include:

- A description of the steps, including hiring or hiring initiatives, that will be taken or were taken to ensure the facility meets the minimum staffing ratios of 3.8 hours of nursing and personal care each day for each resident needing skilled care and 2.5 hours of nursing and personal care for each resident needing intermediate care. Section 300.1230(d) of the Code, Section 3-202.05(d) of the Act;
- A description of the steps the facility has taken or will take to ensure that a minimum of 25% of nursing and personal care time shall be provided by licensed nurses, with at least 10% of nursing and personal care time provided by registered nurses. Section 300.1230(c) of the Code, Section 3-202.05(e) of the Act;
- A quality assurance plan to monitor staffing to ensure corrections are achieved and permanent; and
- A specific date by which the corrective action will be completed.

If the facility failed to report census or payroll-based journal data (PBJ) to the Department in accordance with the time frames set forth in the Code, the POC must also include:

- A detailed plan describing how the facility will ensure census or PBJ data will be reported to the Department for future quarters;
- The measures the facility will take or systems the facility will implement to ensure census and PBJ data is submitted to the Department in a timely manner; and

- A specific date by which the corrective action will be implemented.

Written POCs must be sent to the following:

Attn: Colleen Trader  
STAFFING RATIO POC  
Illinois Department of Public Health  
Office of Health Care Regulation  
Compliance Assurance Division/Staffing Rules  
525 West Jefferson, 5th Floor  
Springfield, Illinois 62761  
dph.ltcsrappeals@illinois.gov

### **POSTING OF FAILURE TO MEET MINIMUM STAFFING RATIOS**

Within 24 hours after receipt of this Notice, the facility shall display, at a minimum, in all publicly used exterior entryways into the facility, inside the main entrance lobby, and next to any registration desk for easily accessible viewing, the following notice. Using Calibri (body) font and 26-point type in black letters on an 8.5 x 11-inch white paper the posting must state the following:

*Notice Dated: (insert current date)*

*"This facility does not currently meet the minimum staffing ratios required by law.*

*Posted at the direction of the Illinois Department of Public Health."*

The notice must also be posted on the main page of the facility's website.

The notice must be posted for the duration the facility is out of compliance with minimum staffing requirements or the POC has been approved by the Department. The facility may also highlight the dates or period of noncompliance on the posting. Failure to post the notice as required may result in additional regulatory violations. The Department shall have the discretion to determine the gravity of any violation and, taking into account mitigating and aggravating circumstances and facts, may reduce the requirement of, and amount of time for, posting the notice. Section 3-209(b) of the Act.

*Sheila A. Baker*

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Sheila A. Baker, JD, MBA, RN  
Deputy Director, Office of Health Care  
Regulation  
Illinois Department of Public Health

Dated this 30 day of June, 2023.

DEPARTMENT OF PUBLIC HEALTH  
STATE OF ILLINOIS

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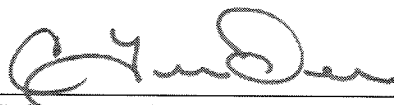
**PROOF OF SERVICE**

The undersigned certifies that a true and correct copy of the attached Notice of Staffing Violation(s) and Required Plan of Correction-Implementation Period were sent by certified mail in a sealed envelope, postage prepaid to:

Agent Name: OBRIEN, PATRICK  
Licensee Name: COUNTY OF FULTON  
Licensee Address: P.O. Box 228, 100 N Main St  
Lewistown, IL, 61542

and that said documents were deposited in the United States Post Office at Springfield, Illinois, on the

\_\_\_\_\_ 30 \_\_\_\_\_ day of \_\_\_\_\_ June \_\_\_\_\_, 2023.

  
\_\_\_\_\_  
Colleen Trader  
Administrative Assistant I  
Long Term Care, Quality Assurance  
Office of Health Care Regulation



525-535 West Jefferson Street • Springfield, Illinois 62761-0001 • [www.dph.illinois.gov](http://www.dph.illinois.gov)

Facility Name CLAYBERG, THE  
CCN 146151  
Facility ID IL6001838/

Quarter Period: January 1st through March 31st 2023

Total Number of Days of Shortfall: 23

Number of Days RN Shortfall: 17

Number of Days Licensed Nurse Shortfall: 8

Number of Days MISC Shortfall: 3

Licensed Beds: 49

Total Fine (Dollar)\*: \$7,402.95

\*Total Fine (Dollar): Is not being imposed but is provided for purposes of the implementation period.

The formula listed in section 300.1234 (d)(3)(C) of Part 300 Skilled Nursing and Intermediate Care Facilities Code was used for calculating staffing ratios.

Total Compensation Cost of Unmet Direct Care Staffing Hours =  
$$\frac{1.0 + (\text{the Cost of Benefits Per Hour Worked} / \text{the Cost of Wages Per Hour Worked})}{(\text{Cost of RN Hours Shortfall} + \text{Cost of LPN Hours Shortfall} + \text{Cost of Direct Care Hours Shortfall})} \times$$

***A "0" number of skilled and intermediate residents reflected on the enclosed attachment indicates the Department did not receive census data from the facility, resulting in violations calculated using the facility's licensed beds at the skilled ratio.***

The wage rates for calculations were taken from the U.S. Department of Labor Bureau of Labor Statistics (BLS) in the BLS Occupational Employment Statistics' metropolitan and nonmetropolitan Area Occupational Employment and Wage Estimates for the State of Illinois, which is published at <https://www.bls.gov/oes/current/oessrcma.htm>.

CNA Wage = 16.64

LPN Wage = 26.92

RN Wage= 34.82

## ATTACHMENT A

CCN	FAC_ID	Date	PBJ Data, hours			Census, residents		Shorfall, hours			Total Penalty, \$
			RN	LPN	Other	Skilled	Intermediate	RN	LPN	Other	
146151	IL6001838	2023-01-01	0	24	85.5	2	37	10.01			\$ 522.82
146151	IL6001838	2023-01-02	10.25	22	103.25	2	37				
146151	IL6001838	2023-01-03	16.25	0	134.47	2	37		8.77		\$ 354.14
146151	IL6001838	2023-01-04	36.5	16.5	105.14	3	37				
146151	IL6001838	2023-01-05	29	25.5	119.8	3	37				
146151	IL6001838	2023-01-06	17.75	25	97.25	3	37				
146151	IL6001838	2023-01-07	10.25	0	63.5	3	37	0.14	15.59	14.43	\$ 997.00
146151	IL6001838	2023-01-08	15.5	0	67	3	37		10.48	10.93	\$ 696.00
146151	IL6001838	2023-01-09	35.5	24.5	94.84	3	37				
146151	IL6001838	2023-01-10	35.25	24.5	129.93	3	37				
146151	IL6001838	2023-01-11	24.75	24.25	138.36	3	37				
146151	IL6001838	2023-01-12	28.75	15.75	134.82	3	37				
146151	IL6001838	2023-01-13	36.5	8.75	109.75	3	37				
146151	IL6001838	2023-01-14	8	16.25	64	3	37	2.39		13.27	\$ 456.04
146151	IL6001838	2023-01-15	6	23.25	77.75	3	37	4.39			\$ 229.29
146151	IL6001838	2023-01-16	10	8.25	123.51	3	37	0.39	7.34		\$ 316.75
146151	IL6001838	2023-01-17	35.25	15.5	134.59	3	37				
146151	IL6001838	2023-01-18	42.75	16	140.06	3	37				
146151	IL6001838	2023-01-19	34.25	24.25	156.26	4	37				
146151	IL6001838	2023-01-20	22	24.75	125.42	4	37				
146151	IL6001838	2023-01-21	16.25	8.75	100.22	4	37		1.93		\$ 77.94
146151	IL6001838	2023-01-22	16.25	8.25	86.5	4	37		2.43		\$ 98.13
146151	IL6001838	2023-01-23	27	33	119.7	4	37				
146151	IL6001838	2023-01-24	34	24	137.4	4	37				
146151	IL6001838	2023-01-25	20.75	32.5	134.13	4	37				
146151	IL6001838	2023-01-26	34.75	19	135.05	4	37				
146151	IL6001838	2023-01-27	43.5	15.75	144.12	4	37				
146151	IL6001838	2023-01-28	6.25	16.5	108.03	4	37	4.52			\$ 236.08
146151	IL6001838	2023-01-29	0	17.25	99.75	4	37	10.77			\$ 562.52
146151	IL6001838	2023-01-30	34.5	20	128.55	4	37				
146151	IL6001838	2023-01-31	44.25	16	162.46	4	37				
146151	IL6001838	2023-02-01	35.5	25.75	129.84	4	37				
146151	IL6001838	2023-02-02	35	33.25	138.02	4	37				
146151	IL6001838	2023-02-03	33.5	23.75	114.9	3	38				
146151	IL6001838	2023-02-04	10.5	21	98.5	3	38	0.14			\$ 7.31
146151	IL6001838	2023-02-05	24.25	13.75	92.25	3	38				
146151	IL6001838	2023-02-06	27.25	32.5	123.62	3	38				
146151	IL6001838	2023-02-07	35.5	32	117.88	3	38				
146151	IL6001838	2023-02-08	32.75	31.5	122.5	3	38				
146151	IL6001838	2023-02-09	29.25	23	152.95	3	38				
146151	IL6001838	2023-02-10	32.75	9.75	120.09	3	38				
146151	IL6001838	2023-02-11	6.5	16.75	105.25	3	38	4.14			\$ 216.22
146151	IL6001838	2023-02-12	0	27	94.52	2	37	10.01			\$ 522.82
146151	IL6001838	2023-02-13	33.75	35	121.13	1	38				
146151	IL6001838	2023-02-14	43.25	29.25	155.14	1	39				
146151	IL6001838	2023-02-15	43	15.5	145.25	1	40				
146151	IL6001838	2023-02-16	25.75	32.75	147.62	1	40				
146151	IL6001838	2023-02-17	29.25	32.5	131.18	1	40				
146151	IL6001838	2023-02-18	26	13.75	95.25	1	40				
146151	IL6001838	2023-02-19	17.75	14	91.5	1	40				
146151	IL6001838	2023-02-20	8.25	32.25	125.93	1	40	2.13			\$ 111.26
146151	IL6001838	2023-02-21	33	24	133.46	1	40				
146151	IL6001838	2023-02-22	30.25	32.25	130.63	1	40				
146151	IL6001838	2023-02-23	43.25	17	122.01	1	40				
146151	IL6001838	2023-02-24	35.75	17.5	129.76	1	40				

146151	IL6001838	2023-02-25	6	25	95.75	1	40	4.38		\$	228.76
146151	IL6001838	2023-02-26	6	19.25	102	0	41	4.25		\$	221.98
146151	IL6001838	2023-02-27	27.25	20.75	134.79	0	41				
146151	IL6001838	2023-02-28	30.5	25	152.06	0	41				
146151	IL6001838	2023-03-01	42.25	24.5	121.7	0	41				
146151	IL6001838	2023-03-02	34.75	24.75	156.47	0	41				
146151	IL6001838	2023-03-03	25	41.25	146.89	0	41				
146151	IL6001838	2023-03-04	10.25	8.25	102.98	0	41	7.13		\$	287.91
146151	IL6001838	2023-03-05	16.25	8.25	98	0	41	1.13		\$	45.63
146151	IL6001838	2023-03-06	35	24.25	135.29	0	41				
146151	IL6001838	2023-03-07	26.75	32.5	139.63	0	41				
146151	IL6001838	2023-03-08	25.25	33.5	136	0	41				
146151	IL6001838	2023-03-09	20.75	16.25	128.93	0	41				
146151	IL6001838	2023-03-10	36.75	9.25	125.68	0	41				
146151	IL6001838	2023-03-11	6.25	16	94.75	0	41	4		\$	208.92
146151	IL6001838	2023-03-12	2	16.25	90.5	0	41	8.25		\$	430.89
146151	IL6001838	2023-03-13	33.25	30.25	115.33	0	41				
146151	IL6001838	2023-03-14	36.25	30	125.48	0	41				
146151	IL6001838	2023-03-15	33.25	22	120.92	0	40				
146151	IL6001838	2023-03-16	19	24.25	127.53	0	39				
146151	IL6001838	2023-03-17	29	23.5	114.08	0	39				
146151	IL6001838	2023-03-18	23.5	8	94.13	0	39				
146151	IL6001838	2023-03-19	16.25	15.25	92	0	39				
146151	IL6001838	2023-03-20	35	15.75	108.83	0	39				
146151	IL6001838	2023-03-21	25	24.5	120.88	0	40				
146151	IL6001838	2023-03-22	28.75	26	126.36	0	41				
146151	IL6001838	2023-03-23	27	25.25	125.52	0	41				
146151	IL6001838	2023-03-24	34.75	14.75	157.1	0	41				
146151	IL6001838	2023-03-25	9.5	24.5	103.75	0	41	0.75		\$	39.18
146151	IL6001838	2023-03-26	0	16.25	87	0	41	10.25		\$	535.36
146151	IL6001838	2023-03-27	27.25	33	124.25	0	41				
146151	IL6001838	2023-03-28	36.25	15.5	144.18	0	41				
146151	IL6001838	2023-03-29	34.75	16.5	125.68	0	41				
146151	IL6001838	2023-03-30	35	17.5	133.3	0	41				
146151	IL6001838	2023-03-31	25.5	30.75	127.08	0	41				