



NATION & WORLD  
Judge orders half to 'don't ask, don't tell'

A federal court's ruling tells the Pentagon it must stop discharging service members who acknowledge they are gay. The decision, issued by a panel which has ruled the issue should be left to Congress, is another blow to "Don't ask,

don't tell."

[www.chicagotribune.com/news/nation/ct-nation-dontask-donttell-20101012-story.html](http://www.chicagotribune.com/news/nation/ct-nation-dontask-donttell-20101012-story.html)

HOMES & REAL ESTATE  
Cohen hoping for Nov. 2 upset

"I'm doing really well in my independent bid for governor," says former Illinois Rep. Bill Brady, who is running for the U.S. Senate. "I think we're

going to have a good race in that close contest between Democrat Mark Kirk and Republican Scott J. Quinn and Rep. Bill Brady.

[www.chicagotribune.com/news/politics/ct-politics-cohen-hopes-for-upset-in-senate-race-20101012-story.html](http://www.chicagotribune.com/news/politics/ct-politics-cohen-hopes-for-upset-in-senate-race-20101012-story.html)

CHICAGOLAND  
Big promises in treasurer race

Democratic Robin Kelly says she will not support recent Tribune reporter Bill Brink for the position.

Republican Jim Foster

is challenging him.

[www.chicagotribune.com/news/politics/ct-politics-treasurer-race-20101012-story.html](http://www.chicagotribune.com/news/politics/ct-politics-treasurer-race-20101012-story.html)

COMMENTARY  
Whom do you endorse?

On the campaign trail, the Tribune editorial board has endorsed candidates Bill Brink for governor and Mark Kirk for the U.S. Senate. Here's what we want to hear from our endorsements.

[www.chicagotribune.com/news/opinion/ct-commentary-endorsements-20101012-story.html](http://www.chicagotribune.com/news/opinion/ct-commentary-endorsements-20101012-story.html)

LIVE!

Muti diagnosed with exhaustion

The 25-year-old boxer is expected to return to Polymer

[www.chicagotribune.com/sports/ct-sports-muti-diagnosed-with-exhaustion-20101012-story.html](http://www.chicagotribune.com/sports/ct-sports-muti-diagnosed-with-exhaustion-20101012-story.html)

GOOD EATS  
Tips to avoid traps at the supermarket

See Tom Salling's column on the back of this section.

[www.chicagotribune.com/lifestyles/ct-lifestyle-good-eats-traps-at-supermarket-20101012-story.html](http://www.chicagotribune.com/lifestyles/ct-lifestyle-good-eats-traps-at-supermarket-20101012-story.html)

WEATHER

T A M I L  
N O O N  
E V E R Y  
S P A C E

See Tom Salling's forecast on the back of this section.

## Charges dropped in shooting spree



Diane Doran, center, leaves the Will County Courthouse on Tuesday morning after a court hearing for Dan Brian, before officials dropped charges that he was trying to kidnap her.

[www.chicagotribune.com/news/local/ct-local-will-county-court-drops-charges-in-kidnapping-case-20101012-story.html](http://www.chicagotribune.com/news/local/ct-local-will-county-court-drops-charges-in-kidnapping-case-20101012-story.html)

Lynwood police officer is released as Will County prosecutors apologize for his arrest

By Steve Schmidhauser and Jason Hood

After a nearly two-week investigation, Will County prosecutors appeared at a court hearing with a Lynwood police officer who was charged with kidnapping. They set him free Tuesday morning.

Officer Dan Brian, 37, was released from Will County Jail as local law enforcement officers, including Diane Doran, a

surviving home owner, called to the jail to make sure he was comfortable.

"It's going to make them uncomfortable. It's good for them. They'll be on their toes."

[www.chicagotribune.com/news/local/ct-local-will-county-court-drops-charges-in-kidnapping-case-20101012-story.html](http://www.chicagotribune.com/news/local/ct-local-will-county-court-drops-charges-in-kidnapping-case-20101012-story.html)

PHOTO BY STEVE SCHMIDHAUSER/CHICAGO TRIBUNE

## TRIBUNE WATCHDOG DEADLY NEGLECT

# Center where kids died gets monitor

Tribune series spurs Quinn to order visits by state overseer to safeguard residents

By Sam Roe and Jared S. Hopkins

TRIBUNE REPORTERS  
WEDNESDAY, OCT. 13, 2010

In a rare move, Gov. Pat Quinn on Tuesday ordered a health monitor be placed at a troubled Chicago facility caring for children with severe developmental disabilities.

The governor also instructed his senior health policy adviser to immediately draft legislation to ensure the safety of residents at Alden Village North and similar facilities statewide.

"The administration takes the oversight of the state's care facilities very seriously," his office said in a statement. "Even one tragedy is intolerable."

The governor's action was sparked by Tribune stories Friday and Sunday that detailed Alden Village North's alarming history of violations and fatalities, and how state officials have done little about it. In all, 13 children and young adults have died at the facility since 2000 in cases that resulted in state citations for neglect or failure to adequately investigate.

The monitor will start making unannounced visits within the next several days, according to the governor's office and the Illinois Department of Public Health. The visits will occur at least three times a week, at different times of the day and last about four hours each.

"The monitor will be there as long as we feel they need to be, based on their reports, our surveys and if there are any outstanding deficiencies," department spokesman Tom Green said.

He said the monitor, who is often a nurse with experience in long-term care, will check staffing levels, investigate

problems specific to the facility and observe how employees treat residents. After each visit, the monitor will submit a written report to the department. If violations are discovered, the monitor will notify the state, which can send an inspection team with the power to issue citations.

"This is a huge deal," said Zena Naiditch, president of Equip for Equality, a watchdog group for people with disabilities. "They would not be putting a monitor in if they did not think people were at risk."

Alden Village North, a for-profit facility at 7464 N. Sheridan Road, cares primarily for children and young adults with multiple physical and mental disabilities, including severe or profound cognitive impairment. The home has had three different owners and names in the past decade. It is now operated by Floyd A. Schlossberg, president of Chicago-based Alden Management Services.

His firm, which runs more than 20 nursing facilities in Illinois, said in a statement that it would cooperate with the state monitor and Quinn's office.

"As we have in the past, we will work with the Illinois Department of Public Health to continue to deliver superior care at Alden Village North as we have since we acquired the facility in 2008," the statement said. "The primary care, health and well-being of our residents is our number one priority and will continue to be."

Wendy Meltzer, a leading advocate for

nursing home residents, said the use of monitors is uncommon, "and I've never heard of a governor ordering a monitor — anytime, anywhere."

Green said monitors are in two other Illinois facilities, but he couldn't immediately say which ones.

Brenda Wall, whose 21-year-old niece Kimberly Stewart has lived at Alden Village North since 2007, said a monitor would help hold facility staffers accountable.

"It's going to make them uncomfortable," she said. "It's good for them. They'll be on their toes."

While staffers might be on their best behavior in the presence of a monitor, Deborah Kennedy, Equip for Equality's director of abuse investigations, said the monitor will have access to records — "and they may tell an entirely different story."

Jon Musso, whose 11-year-old son has lived at the facility for most of his life, said Alden deserved the additional scrutiny and hoped the state follows through on any problems found.

"If the state is going to go there and check it out and then give them a violation, then they need to make sure they pay, and they need to make sure they change their practices," he said.

The Tribune reported that the state has levied \$190,000 in fines against the facility since 2000 but that the home has not paid the full amount of any penalty. Instead, it has negotiated reduced fines, is currently challenging others, and in



The monitor will start making unannounced visits to Alden Village North in the next several days, Pat Quinn's office said.  
**CHRIS SWEDA/TRIBUNE PHOTO**

# Chicago Tribune

*Deadly Neglect*

one case involving a \$50,000 penalty, simply never paid.

Earlier this year, the legislature passed sweeping nursing-home reforms that boosted minimum staffing levels, stepped up criminal background checks on new residents and tightened rules on psychotropic medications. But facing political pressure from some nursing home owners, lawmakers exempted Alden and 300 other facilities caring for the developmentally disabled — about a quarter of Illinois homes providing long-term care.

Meltzer, who was instrumental in crafting the legislation, said she thinks lawmakers now have a better chance to pass a bill to help people with developmental disabilities.

"There is more public pressure and attention, and these facilities can't claim that there is nothing wrong with them — that it's just the other guys," she said.



Alden Village North is operated by Floyd Schlossberg, president of Alden Management Services. His company said in a statement that it will cooperate with the monitor and Quinn's office. **ALEX GARCIA/Tribune Photo**



## TRIBUNE WATCHDOG UPDATE

# Nursing facilities for disabled are targeted

Advocates urge tough rules in light of patient deaths

By Sam Roe and Jared S. Hopkins

Tribune reporters

TUESDAY, NOV. 16, 2010

Leading advocacy groups Monday urged state officials to take aggressive action to prevent the deaths of children with severe disabilities in nursing facilities.

Among the proposals: raising fines and sending cases to a medical examiner's office. One advocate suggested that facility operators who run poor homes shouldn't be allowed to acquire new ones. "How many dead kids are you going to get a pass on?" asked Wendy Meltzer, executive director for Illinois Citizens for Better Care.

The ideas were debated at a meeting of two dozen state officials, advocates and nursing home representatives who are providing input for legislation to safeguard children and adults with developmental disabilities.

Last month, a Tribune investigation reported how 13 children and young adults have died at a North Side nursing facility since 2000 in cases that resulted in citations for neglect or failure to investigate. In response to the articles, Gov. Pat Quinn asked his senior health policy adviser, Michael Gelder, to immediately draft legislation to protect residents at the roughly 300 facilities in Illinois car-

ing for the developmentally disabled.

Gelder has since convened two meetings of interested parties. He said all sides were working in "a spirit of urgency and commitment" and predicted a bill would be introduced in the spring.

Earlier this year, the legislature passed sweeping nursing home reforms but quietly exempted facilities caring for people with developmental disabilities, such as severe cognitive impairment. Now, officials are studying whether those reforms — and some new ones — can be applied to facilities for the disabled.

At Monday's meeting, Amber Smock, advocacy director for Access Living, suggested some rules should be specific to children. For example, "if a kid dies [in a facility], there definitely should be a much bigger fine," she said.

State officials were skeptical. "The more that we take a population and have different criteria for different ages, the greater risk we run in not being able to regulate all of them," said Teresa Gарате, assistant director of the Illinois Department of Public Health.

But others disagreed. Meltzer said a child's death should be automatically sent to a medical examiner's office or

coroner for review.

Richard Dees of the Public Health Department said a similar pilot program was tried a few years ago involving deaths in long-term care facilities, but it stalled when some coroners said the workload was too great.

He said the department still supports the idea of working with coroners, and participants at Monday's meeting agreed to study it further. Dees also noted that 10 years ago, the state had 40 inspectors to cover facilities for the developmentally disabled, compared with 28 today.

Deborah Kennedy for Equip for Equality said facilities caring for people with disabilities should be required to report all deaths to the state.

Michael Bibo of the Center for Developmental Disabilities Advocacy and Community Supports, which represents facilities for disabled people, said any new rules should also cover group homes for the developmentally disabled and not just larger facilities.

"If there needs to be regulations, then they need to be done across the board," Bibo said in an interview after the meeting.



# Advocates protest poor care of disabled kids

13 children and young adults have died at Alden Village North since 2000

**By Jared S. Hopkins and Sam Roe**

Tribune Reporters  
Sunday, Nov. 21, 2010

Carrying faux coffins and chanting slogans, advocates for children with severe disabilities rallied Friday at the corporate offices of a Chicago care facility where more than a dozen kids and young adults have died since 2000.

The protesters, some of whom have disabilities and use wheelchairs, also carried signs and used a bullhorn. When the group went inside the offices of Alden Management Services, 4200 W. Peterson Ave., it became disruptive and Chicago police were called to the scene, said Alden spokeswoman Sarah Mahisekar.

The group then continued its rally outside. Among the chants: "Children are dying, shame on you."

The group asked Floyd Schlossberg, president of Alden Management Services, to sign a pledge promising to pay any unpaid fines to the state and to improve the care at his firm's facilities, including

Alden Village North on Sheridan Road.

Last month, a Tribune investigation reported how 13 children and young adults have died at Alden Village North since 2000 in cases that resulted in citations for neglect or failure to investigate.

In response to the articles, Gov. Pat Quinn asked his staff to draft legislation immediately to protect residents at the roughly 300 facilities in Illinois caring for the developmentally disabled.

Adam Ballard, of Access Living, said the rally was intended to highlight Schlossberg's track record in caring for children with disabilities. "We wanted to tell him it's unacceptable for children to be dying in his homes," Ballard said.

In a statement, Alden officials wrote: "We want our residents and the community to know that Alden Village North exceeds state staffing requirements and is in full compliance with Illinois staff-

ing regulations. ... Alden Village North remains committed to providing a safe, secure environment for our residents. Our residents are our top priority."

Mahisekar disputed the group's estimated turnout of 20 to 25 people and said there were about 10.

Asked about the pledge, Mahisekar said the group "did leave a piece of a paper." She said the protesters didn't ask to meet with anyone. "They just said they had something to drop off."

The Tribune reported that since 2000, the state has levied \$190,000 in fines against the facility now known as Alden Village North. The home has had three different owners in that time period. Alden took over operations in 2008.

Since 2000 the facility's operators have paid just \$21,450 in fines.



## TRIBUNE WATCHDOG UPDATE

# Deaths at children's facility get closer look

Federally backed inquiry comes as state relocates 6 youths over care concerns

By Sam Roe and Jared S. Hopkins

Tribune reporters  
Wednesday, Nov. 24, 2010

Turning up the heat on a troubled Chicago facility for children with disabilities, a watchdog group said Tuesday it will investigate numerous deaths that have occurred at the home in recent years, including ones that have not been thoroughly reviewed by regulators.

Equip for Equality, which has federal authority to obtain medical records from facilities caring for the disabled, said it has been collecting documents from Alden Village North on North Sheridan Road to determine how often neglect played a role in the children's deaths.

In a separate action, the Illinois Department of Children and Family Services said it has taken the rare step of pulling two residents from Alden Village North and four from Alden Village Health Facility in suburban Bloomingdale because of concerns over care.

"We do not anticipate placing children at these two facilities in the near future," agency spokesman Kendall Marlowe said Tuesday.

Both Equip for Equality's and DCFS' actions were sparked by a Tribune investigation last month that revealed an alarming number of deaths and violations at Alden Village North. The articles prompted Gov. Pat Quinn to place a state monitor in the facility and to seek reform legislation.

According to the state, Floyd A. Schlossberg, president of Alden Management Services, operates both Alden Village North and Alden Village Health Facility.

In a statement, Alden said its Sheridan Road facility does its "best to meet the needs of each individual. They are deeply saddened whenever there is a loss. Alden Village North is committed to providing quality care."

The Tribune investigation found that 13 children and young adults living at Alden Village North have died since 2000 in cases resulting in state citations for neglect or failure to investigate.

But records show those deaths represent a fraction of the total that have occurred at the facility: At least 11 additional residents have died since 2008, though those cases did not result in citations.

Moreover, a nurse for the Illinois Department of Human Services told the state monitor at Alden Village North that she was concerned that an even greater number — at least 20 residents — had died between December 2007 and March of this year; according to a report written by the monitor and obtained by the Tribune.

Because many children at Alden Village North have multiple disabilities and are medically fragile, and state public health department inspectors do not investigate every death, it is unclear how many of those deaths at the facility have been due to natural causes.

Equip for Equality, a private nonprofit based in Chicago, said it hopes to answer that question by reviewing about a dozen deaths that have occurred within the last three years.

"Our review so far demonstrates the clear need for more oversight by the Illinois Department of Public Health of deaths in these kinds of facilities," said Deborah Kennedy, the group's director of abuse investigations.

Equip for Equality is part of a nationwide network of advocacy groups that have been granted broad powers by Congress to help protect people with physical and mental disabilities. These powers include access to facilities and certain records.

Kennedy said that shortly after the Tribune articles, a team of Equip for Equality investigators went to Alden Village North to collect documents.

She said an initial inquiry will be completed in a few weeks and findings sent to state and federal authorities as well as to Alden.

Marlowe, the DCFS spokesman, said it had been at least three years since his agency removed children from a nursing facility because of concerns over care. But immediately after the Tribune articles, Marlowe said, DCFS removed two residents, ages 5 and 19, from Alden Village North and four residents, ages 11, 12, 14 and 19, from Alden Village Health Facility.

One resident has since been placed in a foster home; the other five were put in nursing facilities or similar medical settings.

Marlowe said the six residents are state wards who originally were placed in the Alden facilities because they were

# Chicago Tribune

## *Deadly Neglect*

abused or neglected or had no caregiver. He said there is no allegation the children were abused at the Alden homes, but the agency did not want to risk harm by keeping them there.

Moving medically fragile children from one facility to another is inherently disruptive to their care, Marlowe said, so "it's not something you are going to do without good reason."

"It shouldn't have to take a newspaper article for any agency to be aware of risks to kids," he said. "At the same time, we make no apology for acting on the information" in the Tribune stories. "It would be silly for us not to."

Brenda Wall, whose 21-year-old niece has lived at Alden Village North since 2007, said she wondered how authorities could allow the facility to remain open if DCFS were removing the children under its care.

"You're leaving other people in jeopardy," she said.



State officials announced the relocation of six people from two facilities run by Alden Management Services, including two from Alden Village North.

**ALEX GARCIA/Tribune photo**



## TRIBUNE WATCHDOG UPDATE

# Troubled nursing home for disabled kids is making changes

Top administrator is out, as officials at Alden Village North vow to have more programs and better cleanliness

By Sam Roe and Jared S. Hopkins

Tribune reporters  
Sunday, Dec. 19, 2010

A Chicago care facility where a high number of disabled children have died in recent years said it has taken numerous steps to improve care, including replacing the top administrator, hiring more staff and retraining employees.

"We're looking at everything critically," said Bob Molitor, chief operating officer of the Alden nursing home chain, which oversees Alden Village North on North Sheridan Road. "Are we weak in that area? If we are, we want to boost that up."

Alden Village North has been under fire since October, when a Tribune investigation documented a 10-year pattern of violations and deaths at the facility, which cares for about 90 children and adults with severe physical and mental disabilities.

Some advocates welcomed the changes as long overdue.

"This is sort of what you would do in a situation when things aren't just problematic, but problematic down to the core," said Zena Naiditch, president of the Chicago-based watchdog group Equip for Equality. "It suggests they recognize on some level that to try to turn this place around, you're not starting over, but you're getting pretty close to it."

In his first interview about the troubled facility, Alden owner Floyd Schlossberg said that the home is improving and that he disagreed with suggestions made by some relatives of residents who have died there that he does not care about

what happens in his homes.

"Don't ever say this about this owner or anyone else in this company," the 72-year-old longtime nursing home operator said. "We care for everything that happens in all of the facilities. No one in this world wants to see someone pass on."

The Tribune found that 13 children and young adults have died at the facility since 2000 in cases that resulted in state citations for neglect or for failure to investigate thoroughly. Seven of those deaths occurred after January 2008, when Alden took over the facility. At least 11 additional residents have died since 2008, though those cases did not result in citations.

Schlossberg said he was "deeply hurt" by the Tribune's articles because they "don't really portray us the way we really are. ... We're a sincere company interested in providing quality services for the frail, elderly and pediatric population."

When Schlossberg was asked whether he would have his staff re-examine the circumstances for all deaths that have occurred at the home since he became operator, his lawyer stepped in to say Schlossberg would not answer. But Schlossberg then said he would discuss the matter with his colleagues and decide later.

In response to the Tribune articles, Gov. Pat Quinn placed a state monitor in the facility, and federally backed Equip for Equality started an investigation into

numerous deaths at the home. In a rare move, state child-welfare authorities pulled two residents from Alden Village North and four from another Schlossberg home, Alden Village Health Facility in suburban Bloomingdale, because of concerns over care.

Schlossberg would not comment on authorities' removal of children from his facilities, other than to say, "I think we took really good care of them."

Although Schlossberg said "there are no major problems going on" at Alden Village North, he and Molitor detailed a variety of changes that have occurred in recent weeks.

They would not say whether they had fired the previous administrator. She could not be reached for comment, but her mother told the Tribune her daughter had been fired about three weeks ago, right after returning from her honeymoon.

Molitor said Alden Village North has hired several more staffers and created a "nursing liaison" position to handle any complaints from schools and day training centers. New procedures, he said, also ensure children go to school clean.

"There isn't anyone from that facility who isn't looked at head to toe," he said.

The Tribune reported that teachers over the years have complained that the facility sent some children to school in tattered clothing, soiled diapers and filthy wheelchairs.

The newspaper also reported how the

# **Chicago Tribune**

*Deadly Neglect*

state repeatedly has cited the facility with not providing enough activities or outings for some residents. Molitor said Alden has stepped up activities, including trips to the Shedd Aquarium and the Field Museum. Schlossberg also said the facility began renovations last year that will offer more program and living space for residents.

Bob Hedges, president of the Illinois Health Care Association, a lobbying group for nursing home operators, said Schlossberg clearly wants to improve the facility.

"You don't make those kinds of changes unless you recognize there are some issues," he said.

Amber Smock, of Access Living, a Chicago advocacy group that helped stage a protest at Alden corporate headquarters on West Peterson Avenue last month, said the changes are a step in the right direction, but she said her group still wants Alden Village North closed and children with disabilities moved into more home-based settings.

Naiditch of Equip for Equality said changes must be lasting if they are to make a difference.

"The key will be in six months, when the limelight is taken off this facility," she said. "If one of these deaths were to occur at that time, would the staff handle it differently?"

**How to have eco-friendly holidays**

**Chicago Tribune**

TUESDAY, DECEMBER 21, 2010 | Questions? Call 1-800-TRIBUNE. | 24 hours at [chicagotribune.com](http://chicagotribune.com)

**BEARS CLINCH NFC NORTH**



The Bear's Devin Hester (23) celebrates scoring an TD, record with his 10th career return for a touchdown Monday night against the Vikings. The 86-yard punt return helped the Bears beat the Vikings 40-10, securing their divisional title.

Score a bigger field and chilling temperatures failed to deter the Chicago Bears from pulling off a "Last Day Night Football." Here's how it went down.

By Chuck Lofgren

• Knock Brett Favre out of the game.  
 • Get record punt return for a touch-  
 • Get three touchdown passes from Jay  
 • Cut.

COMPLETE COVERAGE IN CHICAGO SPORTS

**CHICAGOLAND**

**Travelers watching weather**

Christmas is around enough, but the possibility of a major winter system moving into the Midwest later this week has holiday travelers assessing their options. Here's what you need to know.

By Debbie Sillman

**TONIGHT'S FORECAST**

8 A.M. 30 | 10 A.M. 35 | NOON 35 | 4 P.M. 35

Complete forecast on the back of this page.

**CHICAGOLAND**

**7th-grader dies of food allergy**

Chicago Public Schools officials say they are investigating the death of a seventh-grade boy who died after reacting to food ate at an Elgin Regional Gifted Center.

**BUSINESS**

**Food safety bill targets imports**

A measure set for approval by Congress next week would give FDA stronger new powers to regulate food imports. But how effective it will prove remains a wild card.

**Even in crisis, 'there is hope'**

With rallies, prayers and tall, all-women's group fights violence

By Debbie Sillman

The shooting could be heard from the bottom of the sidewalk where a lone woman was seen emerging up onto the cold night.

"Stop the Violent Break, the women of the Chicago Police Women's Association were marching around the 8th District, holding signs and shouting withuffed hands," said Officer Diane Pinedo.

What do they mean by "Pinedo?"

In the early police watchtower community, officers began to hold up a sign that read "I am a police woman." There they stood, with a single sign held high, as women who call themselves the "Violent Break" marched through the neighborhood, shouting how many people they had saved from gun violence that year.

That's right — the "promised debt" BODB-site — see us on a nite

Sisters just not there at a CTB stop. (Courtesy: Indiana Dept. of Health)

Shop around the clock... starts Tuesday at: Macy's Woodfield, Oak Brook & Orland Square

**the magic of macy's**

## TRIBUNE WATCHDOG UPDATE

# Nursing homes escape big fines

State negotiates down, even in cases where disabled kids have died

By Sam Roe and Jared S. Hopkins

Tribune reporters  
Tuesday, Dec. 21, 2010

In 2004, a 12-year-old boy with cerebral palsy became wedged between the mattress and protective padding of his bed at Alden Village Health Facility in Bloomingdale.

Nursing aides didn't immediately notice because the room was so crowded and cluttered, and within three hours, Sharif Khamissi was dead.

Illinois regulators hit the home with one of their largest penalties: a \$50,000 fine. But in the end, the facility cut a deal with the state and paid just \$10,000.

"It should have been more," said the boy's father, Farhad Khamissi. "Alden was at fault for my son dying."

Throughout Illinois, facilities caring for children and young adults with severe developmental disabilities have escaped serious penalties when kids have been harmed or died on their watch.

In October, the Tribune investigation "Deadly Neglect" reported that another Alden facility for children — Alden Village North in Chicago — hadn't paid the full amount of any recent fine despite an alarming number of deaths. A review of more state records reveals a similar pattern at Illinois' other nine homes for children with disabilities: Of the \$220,000 in fines levied since 2000, the facilities have paid just \$45,000, or about 21 percent of the total.

One home, the Tribune found, successfully fought to have its fine reduced — and still hasn't paid up.

Several of these facilities are for-profit companies, and some have donated thousands of dollars to political campaigns or lobbying groups.

Floyd Schlossberg, operator of Alden Village North and Alden Village Health

Facility, and his companies have given nearly \$900,000 in campaign contributions since 2000, mostly to lobbying groups representing nursing home operators, campaign records show.

Schlossberg said in an interview that donating to campaigns is a part of doing business and that he, his wife and his companies also have given millions over the years to charities.

The Tribune calculated from state financial disclosure records that Schlossberg's more than two dozen nursing homes in Illinois made a combined \$4 million in profits last year, but he disputed that figure, saying the chain earned "much less." He wouldn't say what the correct figure was, but he did say his business was profitable.

Schlossberg's attorney, Mary Chelotti-Smith, said Alden was not getting off easy by paying reduced fines, noting that citations issued by the state are only allegations and that the company has a right to challenge them. "Everyone has a right to a hearing," she said.

Officials at the Illinois Department of Public Health said it is common practice to reduce fines against nursing facilities if the homes agree to drop their appeals. But officials added that they should do a better job negotiating higher final amounts and going after facilities that refuse to pay at all.

Wendy Meltzer, a leading advocate for residents of nursing facilities, said homes should have to pay more than the 21 percent found by the Tribune.

"That's outrageous," she said. "The amount of the fine to begin with isn't very high, so when you make it 20 cents on the dollar, that's just not very much

money for a death."

The nonprofit Swann Special Care Center in Champaign still hasn't paid its fine even after getting it reduced, records show.

Swann was fined \$25,000 in 2006 after nurses failed to properly assess a 28-year-old woman who had developed a fever and subsequently died, records show. When the woman's oxygen saturation rate — the concentration of oxygen in her bloodstream — dropped to a dangerously low 85 percent, two nurses held an oxygen mask over her face, raising her levels to a more normal 90 percent. But the woman, who had profound mental disabilities, kept pulling the mask off, and the nurses didn't stay in the room with her "because they had other tasks to complete," a state inspection report said. One of the nurses told investigators she had 32 residents to look after.

The woman died a few hours later in a hospital of pneumonia. In levying the fine, the state cited the nursing facility for several violations, including neglect.

One month later, as the facility was contesting the penalty, the state fined the home again — this time \$35,000 for several violations, including neglect for not preventing a resident with mental disabilities from eating bits of towel.

For the next three years, the facility contested the two fines. Last March, the state agreed to drop the neglect violations and cut the total penalty to \$20,000, or a third of the fines combined.

Swann agreed to pay by April but has not done so, state health department officials said.

Although the department can bar scofflaws from renewing their nursing



# Chicago Tribune

Deadly Neglect



Floyd Schlossberg of Alden Village North and Alden Village Health Facility.

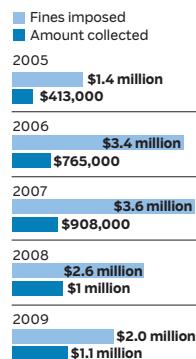
**NANCY STONE/  
TRIBUNE PHOTO**

## Fines slashed

Nursing facilities often contest fines imposed by the Illinois Department of Public Health. Facilities regularly win reductions, and only portions of the initial fines are paid.

### NURSING FACILITY FINES

For all Illinois long-term care facilities, including nursing homes and centers for children with developmental disabilities



NOTE: Amount collected in a given year does not directly correlate to the fines imposed that same year because many cases are settled years later.

SOURCE: Illinois Department of Public Health

TRIBUNE

home licenses, spokeswoman Melaney Arnold said state workers have had trouble flagging such homes at renewal time. "I know that sounds pretty simple, but that's not something they have been able to do," she said.

The department also has the authority to withhold Medicaid money from facilities that don't pay fines, and after inquiries by the Tribune, Arnold said the state will move toward taking that step against Swann.

In an interview, Kym Halberstadt, administrator at Swann, would not comment on why the facility hasn't paid its fines, saying only: "If we haven't paid, we will."

When inspectors fined Alden Village Health Facility in 2004 for the death of Sharif, the 12-year-old boy, the case dragged on for five years before the home finally agreed to pay a fraction of the penalty.

Born in Iran, Sharif could not walk or talk and was legally blind. According to his father, the boy's parents took him to numerous doctors in Russia, Germany and Turkey before moving to the United States and placing him at Alden.

On the day he died, Sharif lived in a 330-square-foot room with five other children, their six beds taking up about 40 percent of the space. "The room also contained wheelchairs, a toy bin, a card table, bolsters and stuffed toys," a state inspection report says. "This situation led to a crowded environment with obstructed visibility."

According to state and court records, a nursing aide came into his room at 5 a.m. and saw other children in bed but not Sharif. His bed, in the corner of the room, "appeared to be made, as if it had not been slept in," inspection records state. The aide told investigators she assumed the boy was with his family on a home visit.

The aide left the room to perform other tasks, returning 45 minutes later to prepare the children for school. Two other staffers came in and out of the room, but they, too, did not see Sharif because of the clutter surrounding his bed, health

department records state.

Then, at 6:45 a.m., as the aide was dressing a resident, she saw Sharif "beside his bed, behind a toy box, face down, wedged between the mattress and padding that surrounded his bed," according to state inspection records. He was "nonresponsive, not breathing."

The aide picked him up and put him on his bed. A nurse tried CPR, but Sharif was pronounced dead at a hospital 45 minutes later.

The state cited Alden for neglect and overcrowding — the fourth time in three years the home had been cited for having too many residents in a bedroom. Investigators also said Alden's report on the death to the state was "misleading" as the facility wrote Sharif was "found unresponsive in bed," records show.

The Khamissi family filed a wrongful-death suit against Alden, submitting as evidence an affidavit by Larry Ong, an Alden nursing aide who said he repeatedly warned the facility's administrator that Sharif's bed and padding presented a hazard.

But a key dispute in the case was the cause of death. The DuPage County coroner's office concluded that Sharif died of a rare metabolic disorder, though "he could have had a seizure and landed next to his bed," the autopsy report states. A medical expert retained by the Khamissi family argued that Sharif suffocated when he became wedged in the bed.

The lawsuit was settled in 2008 for "more than \$100,000," said Taher Kameli, an attorney for the Khamissi family. Chelotti-Smith, the Alden attorney, would not comment. Last year, Alden paid \$10,000 of the \$50,000 state fine.

The Khamissi lawyer said the penalty was paltry given the mistakes that were made: "How could you miss the child? Where would he go?"

## Nursing home panel aims to safeguard kids

**Limiting admissions at nursing homes muddled**

**Jean G. Johnson  
and Sam Rock**

**By Jean G. Johnson**

**and Sam Rock**

Stepping up their push to increase safeguards for children with developmental disabilities, state officials and local advocates on Tuesday proposed a new set of rules that would limit admissions for facilities that care for people with disabilities with developmental issues.

"You would start regulating

yourself if you knew that no more than 10 percent of the people you're admitting have developmental disabilities," said Edith Dunkin, press secretary for the Department of Children and Family Services.

Proposed by Gov. Pat Quinn, the proposal is preparing legislators for a vote next year. It follows a series of events that documented a series of violations at the North Side's Northgate North Ridge nursing facility. Last week, the Illinois Department of Public Health policy adviser, Isla Lomax, told the Tribune that facilities with disabilities have occupied beds at Northgate since March. Facilities for people with disabili-

ties expect as early as March.

Facilities for people with disabili-

ties were left out of a screening process that identified 10 facilities as being at risk of violating laws in determining how many they could accept.

But the department says

such as limiting admissions at facilities when facility employees are not qualified to care for them. The Tribune reported last week that the state's health care ombudsman, who monitors facilities for people with disabilities, said the number of children with developmental disabilities in the state's nursing homes has increased by 10 percent over the past two years.

"There's got to be a set

of rules," says Jayne Farnham, a former state legislator and executive director of the Illinois Association of Residential Care Facilities. "One is pretty hefty fine, and another is you can't admit anyone else."

But Michael Biles of the Center for Advocacy and Community Improvement, which represents families of people with disabilities, said the proposed rules will not be enough. As a result, he said, the state's standards for enforcement measures have not been raised.

"The department has not used the tools at its disposal," he said.

Advocates disputed that and called for more stringent rules to ensure that homes fulfill their missions.

"We want to raise the bar," Biles said. "It's a simple approach that we hope will give the state the message that they've got to run their facilities better, which will give us state the enforcement tools we need to make sure that they do."

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**Reaction delays killer's hearing**

**By Steve Schneckle**

**Times staff writer**

Will County Judge Thomas Pichler delayed a sentencing hearing for a man accused of killing his neighbor's dog after the victim's widow returned to the courtroom on Tuesday.

But Michael Biles of the Center

for Advocacy and Community Improvement, whose wife was killed in the shooting, said the trial must be rescheduled because the victim's widow had not been able to attend the hearing.

"This isn't Justice. I can't believe she had to wait after Charles Clemmons' trial," Biles said.

"This just shows I planned to never see my wife again," he said.

"Who did you take my lady from me?" Pichler asked after the hearing adjourned.

"Because his dog attacked my wife," he said.

Two paralegals were

able to get the victim's widow to ride the fourth-floor courtroom elevator with them, who sat on a bench surrounded by her family members who had not taken a hospital bed.

The victim's widow returned to the courtroom. Pichler did not respond.

Clemmons, a great grandfather, was found dead in his home on Dec. 11. His wife, Linda, 62, was shot twice in the home, while her son, 17, was "deeply" injured, what investigators said.

Linda Pichler, 21, was working at a gas station on her way home when Clemmons confronted her and shot her dog, which was sitting on his motorcycle.

After Pichler arrived at the scene, she found a bloodied handgun and put it in her purse, according to police.

Pichler punched Clemmons in the face, then

Clemmons said Pichler was

going to shoot him.

He then pulled out a

handgun and pointed it at

Pichler's head.

Pichler had three small

bullet holes in her head

hours after her death, and

she died shortly afterward.

Every week she takes her

husband to Mount Carmel Cemetery, as

they did before he died,

said Pichler's son, Michael.

Michael Pichler, 21, who

remained silent on the

case, said he was

not surprised by the

delay in the trial.

"I think it's good," he

said. "I think it's good

that justice is served."

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## TRIBUNE WATCHDOG UPDATE

# Nursing home panel aims to safeguard kids

Limiting admissions at troubled sites mulled

By Jared S. Hopkins and Sam Roe

Tribune reporters

Wednesday, Dec. 22, 2010

Stepping up their push to increase safeguards for children with disabilities, state officials and local advocates on Tuesday discussed increasing fines and limiting admissions for facilities that repeatedly neglect residents with developmental issues.

"You would start regulating yourself if you knew that no more business was going to come in the door until you cleaned up your act," said Eileen Durkin, president and CEO of Neumann Family Services.

The panel assembled by Gov. Pat Quinn is preparing legislation after a Tribune investigation that documented a series of violations and deaths over 10 years at a North Side nursing facility. Michael Gelder, Quinn's senior health policy adviser, is leading the effort and said legislation is expected as early as March.

Facilities for people with disabilities were left out of sweeping nursing-home reforms the legislature passed this year. The panel is reviewing those laws to determine how they could apply to such homes.

It's also considering new ideas, such as limiting admissions at troubled facilities and raising fines when facility employees mislead state investigators. On Tuesday, the Tribune reported that facilities caring for people with disabilities have escaped serious penalties despite the deaths of children on their watch.

"There's got to be, to me, a sort of two-way punishment," said Durkin, whose organization provides programs to disabled people. "One is a pretty hefty fine, and the other is — until all the things are cured — you can't bring more people into the facility."

But Michael Bibo of the Center for Developmental Disabilities Advocacy and Community Supports, which represents facilities for people with disabilities, said that although fines might need to be raised, state officials haven't taken advantage of current enforcement measures. "The department has not used the tools at its disposal," Bibo said.

State officials disputed that and said the state needs strong authority to ensure that homes fulfill their responsibilities.

"We want to raise the bar," Gelder said. "We have a double approach that we hope will give the nursing home owners the message that they've got to run facilities that meet our standards and will give the state the enforcement mechanism and the penalties to make sure that they do."



## TRIBUNE WATCHDOG UPDATE

# New screening eyed for staff at care sites

By Jared S. Hopkins and Sam Roe

Tribune reporters

Wednesday, Jan. 5, 2011

When Illinois facilities that care for disabled people hire new staff, they are required to conduct criminal background checks. For most applicants, licenses must be verified.

But many facilities don't have to check whether new hires have ever been cited for abusing children — either their own kids or those living in care centers.

That may soon change as a state panel on Tuesday expressed support for expanding background checks for workers who care for the developmentally disabled.

"If you have someone who's a substantiated child abuser, isn't that a relevant piece of information for purposes of a background check for someone to work in the adult system?" asked Deborah Kennedy, the Equip for Equality abuse and investigation director who proposed the idea.

The panel assembled by Gov. Pat Quinn is preparing legislation to increase safeguards for people with developmental disabilities after a Tribune investigation documented a series of deaths of children and young adults at a North Side nursing facility.

Michael Gelder, Quinn's senior health policy adviser, is leading the effort and

has said legislation is expected as early as March.

Facilities for people with disabilities were left out of sweeping nursing home reforms the legislature passed last year. The panel is reviewing those laws to determine how they could apply to those facilities.

Tuesday's discussion revolved around background checks.

The 300 facilities in Illinois that care for the disabled are required to check the criminal histories of job applicants as well as look for red flags in a state health worker registry.

Kennedy's proposal would add a third check. Currently, only long-term care facilities for disabled children must check with the Illinois Department of Children and Family Services to see if job applicants had been cited with child abuse or neglect. She said that requirement also should apply to facilities that care for adults.

"You can easily have someone slip from one system to the other without knowing relevant facts about their background," Kennedy said after the meeting.

Several state officials voiced support for the additional background check

and said they would consider applying it to all levels of care, including nursing homes for the elderly.

The panel also discussed classifying certain violations as "high risk," including failure to maintain death reports or notify state authorities of serious incidents. A high-risk citation would carry a stiffer fine.

"It's just absolutely critical" to designate some violations as high risk to ensure proper enforcement, said Wendy Meltzer, executive director for Illinois Citizens for Better Care.

Michael Bibo of the Center for Developmental Disabilities Advocacy and Community Supports, which represents facilities for people with disabilities, disagreed.

For example, he said, "Reporting properly is absolutely critical, but I don't know that I agree this mandates going into the high-risk designation," he said.

The panel, including two dozen state officials, advocates and industry representatives, is considering wide-ranging reforms, such as limiting admissions at troubled facilities and creating a stiff penalty in cases where a home is found to have caused a death.



## TRIBUNE WATCHDOG UPDATE

# Center is cited in 14th death

Nursing facility sent girl to hospital after 2-day wait, state says

By Sam Roe and Jared S. Hopkins

Tribune reporters  
Tuesday, Jan. 11, 2011

State regulators have cited a troubled Chicago facility for disabled children in yet another death, this one involving a 14-month-old girl.

Authorities concluded that staff at Alden Village North waited two days to contact the girl's doctor when test results in July showed signs of a serious infection. After the doctor was reached, the girl was sent to a hospital, where she died within hours.

Regulators also cited Alden for 21 additional violations, including failing to investigate allegations of neglect and not taking children on outings for months at a time — problems that have plagued the facility in the past.

Alden has been under fire since October, when a Tribune investigation revealed a high number of deaths at the home and the worst safety record in Illinois for facilities of its kind. The girl's death brings to 14 the number of children and young adults who have died at the home since 2000 in cases that resulted in state citations.

The Illinois Department of Public Health finished investigating the girl's death last week, an agency spokeswoman said. About 90 people live at the North Side facility, most of them children and young adults with profound cognitive impairment.

"We care for a very fragile patient population who suffer from very serious medical conditions," Alden Management Services, which oversees the facility, said in a statement Monday. "Our residents are like family to us and we grieve whenever one of them passes. We continually evaluate the care that we provide to all of our patients to see if there are areas for improvement."

State inspection records show that the girl, whose identity was not disclosed, suffered from heart ailments and a seizure disorder. On the morning of July 3, test results showed she had "heavy growth" of MRSA, or methicillin-resistant *Staphylococcus aureus*, a kind of staph bacterium that is resistant to some antibiotics. Yet her doctor was not notified until the evening of July 5.

The girl arrived at a hospital with a temperature of 105.4 degrees and a pulse of 180. She died the next day of septic shock, a drop in blood pressure brought on by infection.

While investigating the girl's death, state inspectors learned that another Alden Village North resident, a 14-year-old boy with profound mental disabilities, was also sent to the hospital in July after a lengthy delay.

Records show that after the boy began breathing rapidly, Alden staff paged his doctor six times over 19 hours before the physician responded. In citing the facility, regulators concluded the home should have contacted its medical director instead of waiting for the doctor to respond.

The teenager died two months later, but records do not state whether the delayed trip to the hospital was a factor.

Though inspection records do not name the boy, his stepfather, David Noe, contacted the Tribune and identified him as Stephen Pruitt. Both the stepfather and the boy's mother, Shirley Noe, told the newspaper they think a lack of care at Alden hastened Stephen's death.

"The bottom line is I think they were inattentive to him," David Noe said.

Shirley Noe, of downstate Wood River, said she was planning to visit her son the

weekend he died. "He had the prettiest smile," she said. "If he could laugh out loud, he would."

Last month, Floyd Schlossberg, president of Alden Management Services and operator of the Alden nursing home chain, said in an interview that Alden Village North had improved since he acquired it in 2008.

But eight of the 14 deaths resulting in citations have occurred since he took over.

And the 21 violations found in the public health department's most recent annual inspection of the facility are double the number typically found before Schlossberg became its operator. From 2005 to 2007, nine violations were found on average during annual checks. Since Schlossberg took over, the average has been 25.

Alden Management Services said in its statement that the most recent annual inspection "showed that we continue to improve the care that we provide at Alden Village North. ... We will evaluate each finding and look for ways to improve."

The latest annual review took place in December; though some violations involved incidents that occurred months earlier. Inspectors frequently spot older violations when reviewing patient records.

One citation was for not thoroughly investigating two allegations of abuse and two allegations of neglect.

The guardian of a 14-year-old blind girl alleged in November that the child had such poor hygiene that she had to be bathed at school. Yet the facility did not follow up, the inspection report states.

In another case, a 19-year-old resident

# Chicago Tribune

Deadly Neglect

## Supplemental Exhibit

who breathed with the aid of a ventilator complained to staffers in February that "he was dropped on the floor on his back." Again, the allegation wasn't fully investigated, inspectors wrote.

The teen died the following month, though inspection records do not state the cause.

Inspectors also checked the files of 10 residents and found that the facility rarely took any of them on outings. One 11-year-old boy with profound mental disabilities had been to a park once in June and once in July but nowhere else for the next five months.

The facility now has been cited six times in the last three years for not providing enough activities or outings.

Bob Molitor, chief operating officer of the Alden chain, said in an interview in December that the facility had recently stepped up activities, including trips to the Shedd Aquarium and Field Museum.

Asked to explain the most recent violation, Alden did not respond.

Other violations in the latest inspection included nurses making or about to make mistakes while administering medicine to several children, the facility not fixing two residents' wheelchairs and staffers allowing two residents to develop bedsores, a painful condition that can occur when immobile patients are

not often repositioned.

Meanwhile, in a separate regulatory action, state monitors have been visiting the facility several times a week since October, when Gov. Pat Quinn ordered the additional scrutiny in response to the Tribune articles.

The two monitors — a registered nurse and a licensed social worker contracted by the state — spend much of their time observing interactions between residents and staff. According to their reports, copies of which were obtained by the Tribune, the monitors have not observed any serious problems.

But they have noted an unusual number of Alden corporate officials at the facility, with one monitor writing: "I wonder how the facility operates when staff from corporate are not present."

In fact, on the day monitoring began, Molitor greeted the monitor at the facility. According to the monitor's report, Molitor said there was no "legal reason" for monitoring because the home complied with the rules. Nonetheless, he said, the facility would cooperate. "He also mentioned," the monitor wrote, "that he 'knows the governor.'"

In an interview with the Tribune, Molitor said he recalled greeting the monitor but not making those comments. He said he did not know the governor.



Illinois says a second child, identified by family as Stephen Pruitt (undated photo), was hospitalized after a delay. He died months later.

# Chicagoland

**Chicago Tribune**  
PAGES 6-15

**TRIBUNE WATCHDOG UPDATE**

## Nursing home rules passed

**Deaths of disabled patients will need to be reported to state**

By Sam Roe and Jared S. Hopkins

TRIBUNE REPORTERS

For years, deaths of disabled children at Illinois nursing homes faced little scrutiny. Regulators weren't always informed, coroners weren't notified — even some family members weren't told whether neglect was involved.

But that could soon change as the Illinois Senate on Tuesday joined the state House in passing sweeping reforms to safeguard thousands of children and adults with severe developmental disabilities.

The proposed new laws, sparked by a Tribune investigation, require nursing facilities caring for the developmentally disabled to report all deaths to state regulators as well as to local coroners or medical examiners.

Other reforms include stiffer fines for poor care, stricter rules on the use of psychotropic medications and fewer roadblocks to closing facilities.

State officials and some advocates described the measures as the most significant effort in a generation to help disabled people living in Illinois nursing facil-

ties.

"This is a major victory for people with developmental disabilities and their families," said Michael Gelder, senior health policy adviser to Gov. Pat Quinn.

But some said the legislation doesn't go far enough. For instance, Wendy Meltzer, a leading advocate for nursing home residents, said the state will need more inspectors to enforce additional laws. "Otherwise, this whole exercise becomes pointless," she said.

Teresa Garate, assistant director of the Illinois Department of Public Health, disagreed, saying new powers will make inspectors more effective. Under the legislation, she said, "our department is better armed."

In October, a Tribune series documented a 10-year pattern of death and neglect at a North Side nursing facility now called Alden Village North. The newspaper found that 13 children and young adults had died in cases that resulted in state citations for neglect or failure to investigate.

State officials announced they would close the home, and Quinn asked his staff to draft legislation to protect residents at the roughly 300 other facilities in Illinois caring for the developmentally disabled.

The legislation, which is expected to be signed into law by the governor, applies only to facilities for people with developmental disabilities, such as cognitive impairment. Similar reforms were adopted last year for nursing

homes for the elderly and people with mental disabilities.

In addition to reporting all deaths, facilities for the disabled would be required to disclose any medication errors or unusual incidents that occurred within 30 days of the deaths.

But neither the state nor coroners would be required to investigate.

"That's a problem," said Deborah Kennedy, head of abuse investigations at the watchdog group Equip for Equality. "The state is missing an opportunity to be very proactive."

Dr. Thomas Kupferer, president of the Illinois Coroners and Medical Examiners Association, said the legislation could help identify deaths that need investigating, and if neglect or wrongdoing were involved, "hopefully, it will be uncovered."

The proposed reforms also require facilities to notify a resident's guardian when inspectors find violations directly affecting that person, regardless of the severity of the infractions. The Tribune reported that some parents did not know that the state had cited Alden in the deaths of their children until told by the newspaper.

"That's a terrific step in the right direction," Kennedy said.

The legislation increases some fines, but advocates said the penalties remain low. The maximum fine would be \$50,000 for large facilities and \$25,000 for those with 16 and fewer residents, according to state officials.

"For for-profit places, you need something much stronger than that," said Zena Naiditch, president and CEO of Equip for Equality.

The plan also calls for stricter rules on the use of psychotropic medications, including new protocols to prevent drugs from being administered to residents without their understanding and consent.

Meltzer said some facilities have used psychotropic drugs "not only to treat the symptoms of diagnosed illnesses but also to control behavior so as to make life easier for the staff. We need legal controls that make it more likely that these dangerous drugs will only be given when it is appropriate and necessary."

Although the legislation does not boost minimum staffing levels, it mandates that children receive one-on-one time with licensed nurses.

Currently, kids are required to get at least four hours of one-on-one direct care each day. Low-paid nursing aides provide the bulk of this care. The proposal calls for the state to establish a rule requiring that nurses provide at least some of the care.

Amber Smock of Access Living, a nonprofit advocacy group, said the change was inadequate and more one-on-one time was needed.

David Noe, whose 14-year-old stepson lived at Alden and died in 2010 in a case that resulted in a citation, said the legislation was "too little, too late for my son's

benefit. But overall, it's going to help. Any kind of help is better than no help at all."

Responding to the legislation, Alden officials said in a statement: "We, along with others in our industry, have long advocated for this important reform. ... We are pleased that it recognizes the unique needs of the developmentally disabled population and that they are a different population from other nursing home residents. We support this bill and we look forward to its implementation."

The facility remains open while appealing the state's effort to shut it.

Industry leader Michael Bibo of the Center for Developmental Disabilities Advocacy and Community Supports, which represents facilities for people with disabilities, did not return messages seeking comment.

Over the past several months, state officials, industry leaders and advocates met to discuss what reforms should be included in the legislation. Smock, who was involved in the talks, said the process was difficult at times because the needs of people with disabilities were weighed against what was cost-effective for the state and profitable for nursing home owners.

"What should be a debate about moral justice ends up twisted by budgetary demands and profit margins," she said.

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