

6. At all times relevant to this Complaint at Law, FAIR HAVENS was located at 1790 South Fairview Avenue, in the City of Decatur, County of Macon, State of Illinois.

7. At all times relevant to this Complaint at Law, there was in full force and effect, a statute known as the Illinois Nursing Home Care Act, 210 ILCS 45/1-101, *et seq.*, as amended (the “Act”).

8. The Defendant, by virtue of its operation of FAIR HAVENS, is a “facility” as defined by Section 210 ILCS 45/1-113 of the Act, and is therefore subject to the requirements of the Act and the regulations of the Illinois Department of Public Health (the “Code”) promulgated pursuant to the Act.

9. ELLEN J. PARR was as a resident of FAIR HAVENS as defined under 210 ILCS 45/1-122, beginning on or about June 24, 2017. Specifically, ELLEN J. PARR, was admitted to FAIR HAVENS with diagnoses of, including but not limited to, dementia, paraplegia, abnormalities of gait and mobility, muscle weakness, and transverse myelitis in demyelinating disease of the central nervous system.

10. As a result of the aforementioned medical conditions, and various other injuries to her person, ELLEN J. PARR suffered from severe physical limitations, and required nursing home care assistance with her ongoing impairments relating to movement and self-care.

11. FAIR HAVENS established a comprehensive plan of care for ELLEN J. PARR, which included the requirement of extensive assistance of two persons with bed mobility.

12. On August 22, 2017, a member of the FAIR HAVENS nursing staff attempted to turn ELLEN J. PARR in bed alone and without assistance.

13. While being turned, ELLEN J. PARR sustained an acute displaced overriding angulated distal left femoral diaphyseal fracture.

14. Pursuant to the Act and the Code, FAIR HAVENS owed statutorily and regulatorily created legal duties to ELLEN J. PARR, including the legal obligation to refrain from neglect.

15. Said duties included the provision of adequate medical care, personal care, or assistance with activities of daily living necessary to avoid physical harm or mental anguish to ELLEN J. PARR.

16. The Defendant thereafter violated the Act and the Code by committing one or more of the following acts of neglect:

- (a) Failure to require the assistance of at least two persons with bed mobility, so as to avoid physical harm to ELLEN J. PARR;
- (b) Failure to utilize the assistance of at least two persons with bed mobility, so as to avoid physical harm to ELLEN J. PARR;
- (c) Failure to adequately and properly supervise the nursing and personal care needed by ELLEN J. PARR, including but not limited to supervising staff to ensure that at least two persons assisted ELLEN J. PARR with bed mobility, so as to avoid physical harm to ELLEN J. PARR;
- (d) Failure to implement ELLEN J. PARR's comprehensive plan of care, which required extensive assistance of two persons with bed mobility, so as to avoid physical harm to ELLEN J. PARR;
- (e) Failure to assist and encourage ELLEN J. PARR with ambulation and safe transfer activities, so as to avoid physical harm to ELLEN J. PARR;
- (f) Failure to review and be knowledgeable about ELLEN J. PARR's resident care plan, so as to avoid physical harm to ELLEN J. PARR;

- (g) Failure to take all necessary precautions to assure that ELLEN J. PARR's environment remained as free of accident hazards as possible, so as to avoid physical harm to ELLEN J. PARR; and
- (g) Failure to protect ELLEN J. PARR from neglect, so as to avoid physical harm to ELLEN J. PARR.

17. As direct and proximate result of one or more of the aforesaid acts or omissions then and there committed on the part of FAIR HAVENS, ELLEN J. PARR, sustained injuries to her person which led to her decline in overall health, resulting in her death.

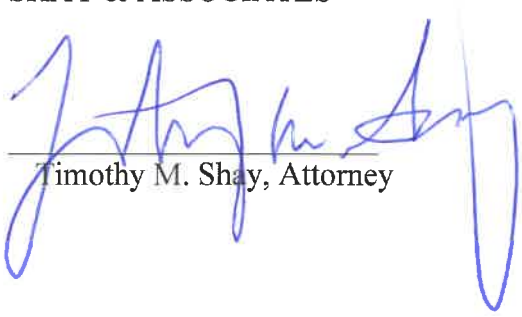
18. The Illinois Department of Public Health performed an investigation of FAIR HAVENS with respect to the care received therein by ELLEN J. PARR, and on September 21, 2017 completed a Survey setting forth its findings.

19. In its Survey, the Illinois Department of Health found FAIR HAVENS had violated Sections 300.1210(a), 300.1210(b)(5), 300.1210(c), 300.1210(d)(6), and 300.3240(a) of the Code with respect to the care provided to ELLEN J. PARR.

WHEREFORE, Plaintiff, DAVID D. PARR, as Independent Administrator of the Estate of ELLEN J. PARR, deceased prays that Judgment be entered against the Defendant, FAIR HAVENS CHRISTIAN HOMES, INC., in an amount in excess of \$50,000.00 to fairly and reasonably compensate her for her damages and injuries, costs of suit, attorneys' fees, and any other relief that this court deems fair and reasonable.

Respectfully Submitted,
DAVID D. PARR, as Independent Administrator of
the Estate of ELLEN J. PARR, deceased, Plaintiff

BY: SHAY & ASSOCIATES

BY: 
Timothy M. Shay, Attorney

Timothy M. Shay
SHAY & ASSOCIATES
Attorneys for Plaintiff
260 E. Wood St.
Decatur, IL 62523
Phone: (217) 425-5900
Fax: (217) 425-5901
E-mail: shayandassociates@comcast.net
timothyshay@shayandassociates.com
swelch@shayandassociates.com