

3. At all times relevant herein, there was in full force and effect the statute known as “The Nursing Home Care Act”, as amended (“The Act”), 210 ILCS 45/1-101 et. seq. and the facility operated by the defendant was a “facility” as defined by 45/1-113 of The Act and was subject to the requirements of The Act and the regulations of the Illinois Department of Public Health promulgated pursuant to The Act.

4. At all times relevant herein, the facility received payment from Medicare to provide nursing home care, treatment and related services, and was subject to the requirements of the 45 USCA, Section 1396(r) (1990 et. seq.) as amended by the Omnibus Budget Reconciliation Act of 1987 (OBRA) and Volume 42, Code of Federal Regulations, Part 482, setting forth Medicare and Medicaid requirements for the long-term nursing care facilities (“OBRA Regulations”), as effective on October 1, 1990.

5. At all times relevant herein, the facility operated by the defendant was a “nursing facility” as defined by the 42 USCA, Section 1396(f).

6. Throughout the time Jesus Villanueva was a resident of the facility, defendant was the licensee of the facility.

7. The defendant, by and through its agents, servants and employees, had a duty not to violate the rights of any resident of the facility including the duty not to neglect any resident as provided by 210 ILCS 45/2-107 and 210 ILCS 45/1-117.

8. Notwithstanding the aforementioned duty, the defendant, by and through its agents, servants and employees and continuously during the period August 27, 2003 through March 11, 2008, violated The Act in that the defendant:

- a. In violation of 77 Ill. Admin Code, Chapter I, Section 300.1210(a) failed to provide adequate and properly supervised care as needed by Jesus Villanueva.
- b. In violation of 77 Ill. Admin. Code, Chapter I, Section 300.3240, failed to protect Jesus Villanueva from neglect;
- c. Failed to follow Center for Disease Control Guidelines for Prevention of Catheter-Associated Urinary Tract Infection (1982) and,
- c. In violation of 77 Ill. Admin. Code, Chapter I, Section 300.1010(h), failed to timely notify Jesus Villanueva's physician of significant changes in his condition which threatened his life, safety and welfare.

9. As a direct and proximate result of one or more of defendant's statutory violations, Jesus Villanueva, sustained injuries including but not limited to cellulitis to his scrotum and penis and infection to his urinary tract and kidneys, which required the removal of his testicle.


10. AS a further direct and proximate result of one or more of the defendant's statutory violations, Jesus Villanueva has suffered and continues to suffer severe and repeated pain and suffering, mental anguish and emotional distress and has become further debilitated and disabled; he has lost and will continue to lose large sums of money in medical expenses in obtaining treatment for his injuries and plaintiff's opportunity to participate in ordinary activities and ability to enjoy life have been adversely affected, all

to plaintiff's loss and damages in an amount in excess of Fifty Thousand (\$50,000.00) Dollars.

WHEREFORE, plaintiff, Jesus Villanueva, demands judgment against defendant, Highlander Care Center, LLC d/b/a International Village, LLC, in an amount in excess of Fifty Thousand (\$50,000.00) Dollars, attorneys fees and costs as provided by statute.

STRELLIS & FIELD, CHARTERED

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