

**Iowa Department of Inspections and Appeals
Health Facilities Division
Citation**

Number 6192	Fine amount reduced by 35% to \$325.00 on July 13, 2016 pursuant to Iowa Code Section 135C.43A	Report Date July 1, 2016		
Facility Name Casa De Paz Health Care Center	Survey Dates May 6, 2016, June 15-17, 2016			
Facility Address 2121 W 19 th Street				
City Sioux City, IA. 51103	HL			
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction Date
58.45(135C)	<p>481—58.45(135C) Dignity preserved. The resident shall be treated with consideration, respect, and full recognition of dignity and individuality, including privacy in treatment and in care for personal needs. (II)</p> <p>DESCRIPTION:</p> <p>Based on record review and staff and resident review the facility failed to ensure dignity preserved for 1 of 5 current residents reviewed (Resident #4). The facility identified a census of 62 current residents.</p> <p>Findings include:</p> <p>1. According to the Minimum Data Set (MDS) dated 4/18/16, Resident #4 had diagnoses including diabetes mellitus, renal failure, seizure disorder and anxiety disorder. The MDS identified the resident did not experience behavioral symptoms. The MDS identified the resident had a brief interview for mental status score of 15 which indicated intact cognitive skills for decision making. According to the MDS the resident independent with bed mobility transfers, ambulation, dressing and toilet use. According to the MDS the resident frequently incontinent of urine.</p> <p>Resident #4's care plan initiated 11/8/15 directed staff to praise him/her for appropriate behavior and good decisions. The care plan dated 3/14/16 directed staff to encourage Resident #4 to make decisions and assist when needed. The care plan also directed staff to attempt to redirect the resident as needed.</p> <p>Review of the Policy and Procedure titled Cell Phones and Related Devices dated 7/1/15 directed staff of the</p>	II	\$500.00	Upon Receipt

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	<p>following:</p> <p>a. It is the policy of the company that unless specifically designated otherwise, all use of personal cellular phones and/or other related devices such as iPad, tablets, etc., will not be allowed in the workplace. Company telephones will be limited to certain areas and times within the workplace.</p> <p>Review of the Employee Handbook (not dated) directed the following for social media:</p> <p>a. Employees that choose to participate in social networks, should refrain from making any references to The Company, the residents here, their co-workers or the management of the Company on their personal social media accounts. For the purpose of this policy, social media shall include all forms of social media including but not be limited to: Facebook, Twitter, Myspace, YouTube as well as on-line chat rooms.</p> <p>During an interview with Staff D, CNA on 6/15/16 at 1:45 p.m. she reported being Resident #4's certified nurse aide (CNA) when the resident asked her for a robe. She found a robe in storage and brought the robe to Resident #4. Staff D stated Resident #4 took a bow from the front desk. The resident then dressed in a brief only and put the bow over their groin area. Resident #4 had the robe over the brief. She stated the resident had been in his/her room and she went to tell him/her the DON returned to her office. Resident #4 went into the office and sang Happy Birthday and danced. At the end of the song/dance, Resident #4 opened the robe (showing the brief with the bow over his/her private area) then closed the robe and left the office. A follow up interview with Staff D on 6/17/16 at 8:45 a.m. she stated she knew what the resident had on under the robe [brief only] and did not try to stop him/her.</p>			

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	<p>During an interview with Staff C, CNA (Certified Nursing Assistant) on 6/15/16 at 1:30 p.m. she reported Resident #4 stated he/she wanted to sing and dance for the DON's (Director of Nursing) birthday. The resident asked if he/she could go naked. Staff C responded to the resident, "no he/she could not go naked." Resident #4 came to the office with a robe on. The resident's robe had been closed [covering him/herself] and then Resident #4 opened the robe and had only been wearing a brief. Staff H took a picture of the DON. Staff C reported afterwards cooperate came to talk with the staff and advised them to not let that happen.</p> <p>During an interview with Staff H, Office Manager on 6/15/16 at 5:00 p.m. she stated Resident #4 came to the front desk and asked for a red bow. There had been a purple bow at the desk and he/she asked if he/she could have it. The resident also said he/she wanted to do a strip tease and she told Resident #4 he/she can't and he/she had to be covered. She had been in the office when Resident #4 had been singing Happy Birthday to the DON and she videotaped the DON laughing with her cellphone. She had been sitting in front of the desk and the resident had been behind her. The sound on the video did contain the resident singing along with laughter from the DON. She did show the video to some staff that were working that day but only remembered the DON and Administrator. She deleted the video from the cell phone after instructed by the Administrator. She further stated the video had not been shared to another cell phone or uploaded to Facebook or any social [media] site and the cell phone did not have capabilities to send a video. She did see a photo of the DON on Facebook after the incident.</p> <p>During an interview with the Activities Supervisor on 6/17/16 at 1:30 p.m., she stated the Administrator asked</p>			

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	<p>her to talk to the resident to investigate. She talked to the resident on 4/29/16 at 11:30 AM. He/she stated Staff C and Staff D helped him/her. The resident felt remorseful and thought he/she had been getting someone in trouble. Resident #4 brought up the fact that someone filmed it and wanted to make sure it would be deleted.</p> <p>During an interview with the Resident #4 on 6/17/16 at 11:00 a.m., he/she stated he/she did not know a picture would be taken and did not want a picture taken. Resident #4 further stated he/she saw Staff H, Office Manager had a camera and told the Activity Director to have it deleted.</p> <p>During an interview with the DON on 6/16/16 at 8:45 a.m. she stated Resident #4 sang Happy Birthday [to her] earlier in the morning over the intercom. She thought that had been all the resident was going to do. She later went into her office and then Resident #4 came into the office dressed in a blue robe. The resident sang a made up version of Happy Birthday and had been swaying(moving back and forth). Towards the end of the song the resident opened the robe and had a brief on with a bow on the front of the brief. The resident closed the robe and left the office. She further stated corporate staff came to the facility to investigate and instructed staff should have tried to stop Resident #4. She also stated if Resident #4 had something in mind he/she would do it and she understood staff at least talked him/her out of being naked. She further stated the Marketing Coordinator took a still photograph of her and did post it to Facebook. The still photograph did not show any part of the resident and the post did not identify anything about the facility or the resident. The Facebook post had been deleted. The DON reported there were a lot of people [staff] outside the door when the incident occurred.</p>				

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	<p>During an interview with Staff I, RN (Registered Nurse) on 6/16/16 at 9:45 a.m. she reported she had not been at the facility on the DON's birthday and did not see any pictures or video. She talked with Resident #4 (afterwards) and he/she said the girls helped him/her get ready to do a dance. Resident #4 reported he/she went down in a robe and had a bow on his/her brief. She stated the resident had talked with the Administrator about what had happened.</p> <p>During an interview with the Administrator on 6/17/16 at 1:45 p.m., he stated the Office Manager did have a video on her cell phone and only had visual of the DON and not the resident. He heard the DON laughing and could also hear someone singing and could not understand the words. He asked her to delete it. Corporate told him the Marketing Coordinator took a picture of the DON and put it on Facebook which was later deleted. He further stated there had been no disciplinary action in regards to the incident. He reported they held an in-service with staff on 5/2/16 for Professional Boundaries. He also stated staff were not to have cell phones while on duty. Department Heads had phones to text and communicate at work due to the size of the building. He further stated they have not talked to staff about social media but they should have common sense not to use it concerning work. He further stated the Employee Handbook did reference social media.</p> <p>FACILITY RESPONSE:</p>			

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