

Iowa Department of Inspections and Appeals
Health Facilities Division
Citation

FC#6216		Fine amount reduced by 35% to \$325.00 on August 16, 2016 pursuant to Iowa Code Section 135C.43A	Date: August 1, 2016		
Hills and Dales Child Development Center		Survey dates: June 15-July 19, 2016			
1011 Davis Ave.					
Dubuque, Iowa 52001		Ds/cc/lk			
			Class	Fine	Correction date
64.60 + 235E.2(3)a + 52.2(2)a	481—64.60 (135C) Federal regulations adopted—conditions of participation. Regulations in 42 CFR Part 483, Subpart D, Sections 410 to 480 effective October 3, 1988, are adopted by reference and incorporated as part of these rules. A copy of these regulations is available on request from the Health Facilities Division, Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319. Classification of violations is I, II, and III, determined by the division using the provisions in 481—Chapter 56, “Fining and Citations,” to enforce a fine to cite a facility. This rule is intended to implement Iowa Code section 135C.2 (3). 235E.2 Dependent adult abuse reports in facilities and programs. 3. a. If a staff member or employee is required to make a report pursuant to this section, the staff member or employee shall immediately notify the person in charge or the person's designated agent who shall then notify the department within twenty-four hours of such notification. If the person in charge is the alleged dependent adult abuser, the staff member shall directly report the abuse to the department within twenty-four hours. 481-52.2 (235E) Persons who must report dependent adult abuse and the reporting procedure for those persons. 52.2(2) Reporting suspected dependent adult		II	\$500	Upon Receipt

Facility Administrator

Date

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If, within thirty (30) days of the receipt of the citation, you (1) do not request a formal hearing or withdraw your request for formal hearing, and (2) pay the penalty, the assessed penalty will be reduced by thirty-five percent (35%) pursuant to Iowa Code section 135C.43A (Supp. 2009).

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+ 64.33(1)	<p>abuse in facilities or programs.</p> <p>a. If a staff member or employee is required to make a report pursuant to this rule, the staff member or employee shall immediately notify the person in charge or the person's designated agent who shall then notify the department within 24 hours of such notification or the next business day.</p> <p>481-64.33 (135C) Allegations of dependent adult abuse. 64.33(1) Allegations of dependent adult abuse. Allegations of dependent adult abuse shall be reported and investigated pursuant to Iowa Code chapter 235E and 481-Chapter 52. (I,II,III)</p> <p>DESCRIPTION:</p> <p>Based on interviews and record review, the facility failed to ensure staff immediately reported all allegations of abuse. This affected 3 of 3 sample clients involved in the investigation. (Client #1, Client #2 and Client #3). Findings follow:</p> <p>Review of a facility investigation, revealed on 5/16/16 Personal Assistant (PA) A reported allegations of possible abuse regarding PA B toward at least three clients: Client #1, Client #2 and Client #3.</p> <p>When interviewed on 6/16/16 at 11:00 a.m. PA A said he witnessed PA B slap Client #1 on his/her bare buttocks several times, as well as spray Client #1 with cold water during a bath. PA A stated this happened for at least 1-2 weeks before he reported</p>			

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	<p>it to the facility. PA A said he also saw PA B spray Client #2 with cold water during a bath, about one week before he reported it. PA A said he also witnessed PA B threaten to cut out Client #3's tongue with scissors, in a joking manner. PA A said he witnessed this multiple times in the 1-2 months prior to reporting all of the incidents on 5/16/16.</p> <p>When interviewed on 6/16/16 at 8:45 a.m. PA C stated PA A told her of the allegation of spraying clients with cold water during bath time about two days before he reported the allegation to management staff. PA C stated she told PA A to report his concerns.</p> <p>Review of the policy/procedure titled <u>Agency Abuse</u> on 7/19/16; identified instances of suspected abuse were to be reported immediately. Any employee who witnessed or suspected abuse had the responsibility to report it immediately to a supervisor and to the appropriate state of Iowa department.</p> <p>FACILITY RESPONSE:</p>			

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