

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

Number FC 6279		Fine amount reduced by 35% to \$975.00 on October 14, 2016 pursuant to Iowa Code Section 135C.43A		Report Date September 19, 2016	
Facility Name Faith, Hope, and Charity				Survey Dates August 29, 2016 to September 1, 2016	
Facility Address 1815 West Milwaukee Street				Survey	
City Storm Lake, IA. 50588		HL			
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction Date	
56.6	481—56.6 (135C) Treble and double fines. 56.6(1) <i>Treble fines for repeated violations.</i> The director of the department of inspections and appeals shall treble the penalties specified in rule 481—56.3(135C) for any second or subsequent class I or class II violation occurring within any 12-month period, if a citation was issued for the same class I or class II violation occurring within that period and a penalty was assessed therefor.	II	\$1,500.00 Treble Fine (\$500.X3)	Upon Receipt	
64.60	481-64.60(135C) Federal regulations adopted - conditions of participation. Regulations in 42 CFR Part 483, Subpart D, and 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 provision 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).				
64.33(1)	481—64.33(135C) Allegations of dependent adult abuse. 64.33(1) <i>Allegations of dependent adult abuse.</i> Allegations of dependent adult abuse shall be reported and investigated pursuant to Iowa Code chapter 235E and 481—Chapter 52. (I, II, III)				
235E.2(3)a	235E.2 Dependent adult abuse reports in facilities and programs. 3. a. If a staff member or employee is required to make				

If, within thirty (30) days of the receipt of the citation, you: (1) do not request a formal hearing or; (2) withdraw your request for formal hearing; and (3) pay the penalty, the assessed penalty will be reduced by thirty-five percent (35%) pursuant to Iowa Code section 135C.43A (2015).

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52.2(2)a	<p>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.</p> <p>481—52.2 (235E) Persons who must report dependent adult abuse and the reporting procedure for those persons.</p> <p>52.2(2) Reporting suspected dependent adult 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>				
W153	<p>483.420(d)(2)STAFF TREATMENT OF CLIENTS</p> <p>The facility must ensure that all allegation of mistreatment, neglect or abuse as well as injuries of unknown source, are reported immediately to the administrator or to other officials in accordance with State law through established procedures.</p> <p>DESCRIPTION:</p> <p>Based on interview and record review, the facility failed to ensure staff immediately reported allegations of abuse and/or mistreatment to administration. As a result, the facility also failed to ensure allegations of abuse and/or mistreatment were reported to the appropriate state agency in a timely manner. This affected 1 of 8 sample clients (Client #2). Finding follows:</p>				

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	<p>Record review on 8/30/16 revealed the facility's internal investigation into an incident occurring 6/28/16. According to the incident report included, dated 7/5/16, staff observed another staff throw a moccasin at Client #2's back. The moccasin hit Client #2 and he/she replied, "Ouch!" Further review of the internal investigation revealed the incident reported to the Department of Inspections and Appeals (DIA) on 7/5/16 and Child Protective Services (CPS) on 7/6/16.</p> <p>Record review on 8/30/16 revealed a Mandatory Reporter Requirements in the policy manual. The policy directed, "... In all FHC (Faith, Hope and Charity) programs the mandatory reporter should immediately call the appropriate on-call to review and consult on the potential incident or abuse... In addition to calling CPS (Child Protective Services), the ICF/ID (Intermediate Care Facility for the Intellectual Disabled) program will self-report by phone or online to DIA (Department of Inspection and Appeals) within 24 hours."</p> <p>When interviewed on 8/31/16 at 5:10 p.m. the Director of Social Services confirmed staff failed to follow facility policy for reporting. She further confirmed the facility failed to report the incident to the appropriate State Agency in a timely manner.</p> <p>FACILITY RESPONSE:</p>				

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