

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

Number 6304		Fine amount reduced by 35% to \$325.00 on October 26, 2016 pursuant to Iowa Code Section 135C.43A		Report Date October 11, 2016	
Facility Name Luther Manor Retirement Home		Survey Dates September 26, 27, 28, 2016			
Facility Address 3131 Hillcrest Road					
City Dubuque, IA. 52001		HL			
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction Date	
58.11(3)	481—58.11(135C) Personnel. 58.11(3) <i>Employee criminal record checks, child abuse checks and dependent adult abuse checks and employment of individuals who have committed a crime or have a founded abuse.</i> The facility shall comply with the requirements found in Iowa Code section 135C.33 as amended by 2013 Iowa Acts, Senate File 347, and rule 481—50.9(135C) related to completion of criminal record checks, child abuse checks, and dependent adult abuse checks and to employment of individuals who have committed a crime or have a founded abuse. (I, II, III) [ARC 0903C, IAB 8/7/13, effective 9/11/13]	II	\$500.00	Upon Receipt	
50.9(3)b	50.9(3) Requirements for employer prior to employing an individual. Prior to employment of a person in a facility, the facility shall request that the department of public safety perform a criminal history check and the department of human services perform child and dependent adult abuse record checks of the person in this state. b. Conducting a background check. The facility may access the single contact repository (SING) to perform the required background check. If the SING is used, the facility shall submit the person's maiden name, if applicable, with the background check request. If the SING is not used, the facility must obtain a criminal history check from the department of public safety and a check of the child and dependent adult abuse registries from the department of human services. (I, II, III) DESCRIPTION: Based on employee file review, policy review and staff interview, the facility failed to timely obtain a criminal and abuse background check prior to hiring 1 of 7 new employees selected for review (Staff A). The facility identified a census of 96 residents.				

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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	<p>Findings Include:</p> <p>1. Review of the personnel file for Staff A, Certified Nursing Aide (CNA), identified a hire date of 3/8/16. Further review of the file revealed a SING (Single Contact License and Background Check) report dated 9/23/16 for Criminal History Background Check and Abuse Registries Background Check. The SING check was completed more than 6 months after the staff's hire date, instead of prior to hire.</p> <p>An interview on 9/27/16 at 10:20 a.m., Staff B, Human Resources Director, reported Staff C, Human Resource Coordinator, last week discovered Staff A's employee record failed to have a background check completed. Staff C then completed a background check on 9/23/16. Staff B noted the employee's background check completed more than 6 months past the hire date. Staff B reported Staff C had placed her/his initials on the 'Job Offer Checklist' before completing the background check, thus thinking it had been completed.</p> <p>An interview on 9/27/16 at 12:25 p.m. Staff C reported randomly finding Staff A's employee record without the background check completed. Staff C remarked not knowing how she/he missed it, and she/he shouldn't have missed it. Staff C reported background checks are to be completed before a new employee is hired. Staff C noted she/he initialed the 'Job Offer Checklist' as completed before doing the background check and normally does not do it that way, therefore she/he missed doing the check.</p> <p>An interview on 9/27/16 at 9:45 a.m. the Administrator and the Human Resource Director reported background checks are to be completed before hiring a new staff person.</p>				

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	<p>The facility's Dependent Adult Abuse Prevention Policy, updated on 9/26/16, identified 'Prevention' as: one of the primary ways the facility will work to prevent abuse from occurring through the process used to hire employees. All potential new employees will be screened to determine if they have criminal records through criminal record checks and a check will be made on the abuse registries to make sure the potential employee is not listed on the child abuse, sex abuse or dependent adult abuse registry.</p> <p>FACILITY RESPONSE:</p>				

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