Iowa Department of Inspections and Appeals
Health Facilities Division
Citation

FC#6364	**Fine amount reduced by 35% to $325.00 on December 9, 2016 pursuant to Iowa Code Section 135C.43A**		Date: December 2, 2016
Atrium Village		Survey Dates: 11/14/16 – 11/16/16	
117 S. 3rd St.			
Hills, IA 52235	JKM		

		Class	Fine Amount	Correction date
58.11(3)	**481—58.11(135C) Personnel.** **58.11(3)** *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.* 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	Upon Receipt
50.9(3)b,c	**481—50.9(135C) Criminal, dependent adult abuse, and child abuse record checks.** **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)			

Facility Administrator _____ Date _____

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	c. If a person being considered for employment has been convicted of a crime. If a person being considered for employment has been convicted of a crime. If a person being considered for employment in a facility has been convicted of a crime under a law of any state, the department of public safety shall notify the facility that upon the request of the facility the department of human services will perform an evaluation to determine whether the crime warrants prohibition of the person's employment in the facility. (I, II, III)			
50.9(4)	**50.9(4)** *Validity of background check results.* The results of a background check conducted pursuant to this rule shall be valid for a period of 30 calendar days from the date the results of the background check are received by the facility. (I, II, III) **DESCRIPTION:** Based on observation, interview and record review, the facility failed to complete 3 of 7 employees' Single Contact License & Background Checks (SING) within 30 days before hire. The facility also failed to obtain more information and clearance on a possible abuse hit. The facility reported a census of 16 residents. Findings include: 1. Review of the Dietary Supervisor's employee file revealed the Personal Cover Sheet documented a hire date of 5/2/16. Further review revealed the file lacked a SING dated before 5/2/16. Review of the payroll records dated 5/2/16 and 11/14/16 revealed the Dietary Supervisor worked at the facility both days.			

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	2. Review of the Administrator's employee file revealed the Personal Cover Sheet documented a hire date of 10/24/16. The file also contained a SING dated 9/1/16. The SING identified a "Possible Hit" and directed the facility to initiate a request for Dependent Adult Abuse Registry Information. The employee record lacked any further information regarding the "Possible Hit," or a fully completed SING check within 30 days of hire. Review of the payroll records dated 10/16/16 - 10/29/16, revealed Staff B started working on 10/24/16. 3. Review of Staff C, Certified Nursing Assistant's employee file revealed the Personal Cover Sheet documented a hire date of 3/3/16. The file also contained one SING dated 10/22/15. The file failed to contain a SING completed within thirty days prior to hire. Review of the payroll records dated 3/3/16 and 9/3/16, revealed Staff C worked both days. During an interview on 11/14/16 at 2:50 p.m., the Administrator reported Staff C applied in October of 2015 and the facility planned to hire the CNA at that time, but Staff C took another job. The Demonstrator also reported Staff C did begin to work at the facility in May of 2016, but the facility failed to recheck the SING. The facility provided an undated Resident Rights Policy. The policy directed facility staff to conduct background checks on every employee prior to employment. **FACILITY RESPONSE:**			

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