

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

| | | | | |
|--|---|---|---------------------------------------|------------------------|
| Number 6443 | Amended on July 6, 2017 to collect, in accordance with Iowa Code Section 249A.19 | Report date February 24, 2017 | | |
| Facility name Hawkeye Care Center Milford | Fine amount reduced by 35% to \$325.00 on July 24, 2017 pursuant to Iowa Code Section 135C.43A | Survey dates November 16, 2016; December 8,9, and 15 th 2016; and January 24, 2017 | | |
| Facility address 1600 13 th St | | | | |
| City Milford, IA. 51351 | HL | | | |
| Rule or Code Section | Nature of Violation | Class | Fine Amount | Correction Date |
| 58.43(9) | 481—58.43(135C) Resident abuse prohibited. 58.43(9) 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) | II | \$500.00 Held In Suspension | Upon Receipt |
| 52.2(2)a | 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 abuse in facilities or programs. 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. | | | |
| 235E.2(3)a | Iowa Code section 235E.2(3)(a) 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. | | | |
| 52.6(235E) | 481—52.6(235E) Separation of victim and alleged abuser. Upon receiving a claim of dependent adult abuse of a dependent adult in a facility or program, the facility or program shall separate the victim and the alleged abuser immediately and shall maintain that separation until the department's abuse investigation is completed and the abuse | | | |

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>determination is made. NOTE: Facilities that participate in the federal Medicare or Medicaid program may be subject to additional federal requirements regarding separation. [ARC 8294B, IAB 11/18/09, effective 1/1/10]</p> <p>DESCRIPTION:</p> <p>Based on record review, interviews, and facility policy, the facility failed to immediately separate a staff after an allegation of alleged abuse and failed to report an allegation of abuse timely to the Department of Inspections and Appeals for 1 of 5 residents (Resident #5). The facility identified a census of 44 current residents.</p> <p>Findings include:</p> <p>According to Minimum Data Set (MDS) dated 10/21/16 Resident #5 had diagnoses that included dementia, anxiety disorder and depression. The MDS identified the resident had a BIMs (brief interview for mental status) score of 0 which indicated severe cognitive impairment. According to the MDS the resident required extensive assistance with bed mobility, transfers, dressing, eating and toilet use.</p> <p>The care plan dated 3/19/15 directed staff to assist the resident with completing all daily cares and to provide with gentle distraction to let participate.</p> <p>During an interview with Hospice RN (Registered Nurse) on 12/9/16 at 2:10 PM she stated she received a call from the resident's family on Tuesday 12/6/16) evening after 6:00 PM.</p> <p>The family member reported an allegation of abuse that</p> | | | |

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| | <p>reported to her on 12/4/16. She stated she did not call the facility to report the allegation until the next morning at approximately 10:00 AM. She further stated she felt the resident had been safe and did not call due to the people to address it were not at the facility.</p> <p>Review of the Employee Schedule dated 12/6/16 revealed Staff P, CNA (certified nursing assistant) continued to worked the 2:00 PM to 10:00 PM shift on the West hall and had not been separated from residents.</p> <p>During an interview with the Director of Nursing on 12/9/16 at 2:30 PM she concurred Staff P had been on the schedule and worked the evening of 12/6/16 from 2:00 PM to 10:00 PM.</p> <p>Review of the Policy and Procedure titled Abuse Prevention, Identification, Investigation, and Reporting Policy dated 11/2016 directed staff to do the following: a. All allegations of resident abuse should be reported immediately to the charge nurse. The charge nurse is responsible for immediately reporting the allegations of abuse to the Director of Nursing, Administrator or designated representative. b. Should an incident or suspected incident of Resident abuse be reported or observed, the administrator or his/her designee will designate a member of management to investigate the alleged incident. c. Upon receiving a report of an allegation of resident abuse, the facility shall immediately implement measures to prevent further potential abuse of residents from occurring while the facility investigation is in process. If this involves an allegation of abuse by an employee, this will be accomplished by separating the employee accused of abuse from all residents through the following or a combination of the following, if practicable: suspending the employee; segregating the employee to an area with no contact with any residents of the facility; separating the employee accused of abuse from the resident</p> | | | |

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| | <p>alleged to have been abuse. d. The staff member or employee shall immediately notify the person in charge or the person's designated agent who shall then notify the Iowa Department of Inspections & Appeals immediately, and in no event later than 24 hours of any allegation even on a weekend or holiday.</p> <p>FACILITY RESPONSE:</p> | | | | |

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