

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

Citation Number: 6519	Fine amount reduced by 35% to \$325.00 on May 22, 2017 pursuant to Iowa Code Section 135C.43A	Date: May 5, 2017		
Facility Name: Mosaic 101 Kelly's Court	Survey Dates: April 12-19, 2017			
Facility Address/City/State/Zip 101 Kelly's Court Forest City, IA 50436				
	HL			
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date

64.60(135C)	<p>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.</p> <p>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.</p> <p>This rule is intended to implement Iowa Code Section 135C.2(3).</p>	II	\$500.00	Upon Receipt
W153	<p>483.420(d)(2) Staff Treatment of Clients The facility must ensure that all allegations 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: Based on interview and record review, the facility failed to ensure allegations of abuse and mistreatment were reported immediately in accordance with facility policy and State law. This affected 4 of 4 clients (Clients #1, #2, #3 and #4). Findings follow:</p>			

Facility Administrator

Date

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 (2013).

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<p>Record review on 4/12/17 revealed an agency investigation report started 3/08/17. According the investigation report the facility began an abuse investigation regarding various staff and clients at the facility that allegedly occurred on 3/03/17. The facility was notified of the abuse allegations by the Iowa Department of Human Services, which received notification on 3/04/17 or 3/05/17. The allegations were as follows:</p> <p>a) Direct Support Associate (DSA) A witnessed DSA B slap Client #1 on the leg and grab the client by the wrist to pull his/her arm down during dinner time.</p> <p>b) DSA A witnessed DSA C slap Client #2 repeatedly in the face to rouse the client from sleep when taking the client to the bathroom.</p> <p>c) DSA A overheard two staff having a conversation about how DSA D took Client #3 and Client #4 outside for an "Attitude Adjustment." (This allegation turned out to be a misunderstanding. DSA D took the clients outside briefly for fresh air and a change of environment, which improved their moods. Another staff person used the phrase "attitude adjustment" when describing it.)</p> <p>When interviewed on 4/17/17 at 4:30 p.m. DSA A stated on 3/03/17 during dinner, between approximately 5:00 and 6:00 p.m., she witnessed DSA B mistreat Client #1. DSA A said Client #1 was agitated, as evidenced by yelling and flailing arms and legs. This reportedly was not unusual behavior for</p>				
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	<p>Client #1. DSA B attempted to feed Client #1. At one point Client #1 either kicked or almost kicked DSA B, who then slapped Client #1 on the leg and told the client not to kick her. DSA B also grabbed Client #1 by the wrist and roughly pulled his/her arm down while trying to feed the client.</p> <p>DSA A said at approximately 11:00 p.m. on 3/03/17, she accompanied DSA C during rounds when the clients were in bed. DSA C got Client #2 up to use the bathroom. Client #2 was quite groggy and drowsy. As the client sat on the toilet, DSA C slapped Client #2 in the face several times to rouse the client. DSA C told the client to wake up and "pee." DSA A said the slaps were not real hard, but were not soft. The slaps did not leave any marks and the client showed little reaction to the slaps.</p> <p>According to facility abuse policy, the staff person witnessing abuse should immediately intervene to ensure the safety of the client, separate the accused staff from the client, notify Health Services to evaluate the physical condition of the client and notify the Associate Director or designee.</p> <p>During interview on 4/18/17 at 3:00 p.m. the Associate Director confirmed the facility policy indicated staff should report allegations of abuse immediately.</p> <p>FACILITY RESPONSE:</p>			
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