

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

<b>Citation Number:</b> <b>FC # 6529</b>		<b>Fine amount reduced by 35% to \$325.00 on May 22, 2017 pursuant to Iowa Code Section 135C.43A</b>		<b>Date:</b> <b>May 10, 2017</b>	
<b>Facility Name:</b> <b>Willow Gardens Care Center</b>		<b>Survey Dates:</b> <b>April 20, 2017, April 25, 26, 27, 2017</b>			
<b>Facility Address/City/State/Zip</b> <b>455 31<sup>st</sup> Street</b> <b>Marion, IA. 52302</b>					
		<b>HL</b>			
<b>Rule or Code Section</b>	<b>Nature of Violation</b>	<b>Class</b>	<b>Fine Amount</b>	<b>Correction date</b>	

58.43(9)	<b>481—58.43(135C) Resident abuse prohibited.</b> <b>58.43(9) Allegations of dependent adult abuse.</b> 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	Upon Receipt
52.2(2)a	<b>481—52.2(235E) Persons who must report dependent adult abuse and the reporting procedure for those persons.</b> <b>52.2(2) Reporting suspected dependent adult abuse in facilities or programs.</b> <b>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.</b>			
235E.2(3)(a)	<b>Iowa Code section 235E.2(3)(a)</b> <b>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.</b>  <b>DESCRIPTION:</b>  Based on record review, interviews, and facility policy,			

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	<p>the facility failed to report an allegation of abuse to the Department of Inspections and Appeals for 1 of 4 residents (Resident #2). The facility identified a census of 78 residents.</p> <p>Findings include:</p> <p>According to the Minimum Data Set (MDS) dated 1/25/2017, Resident # 2 had intact cognition. The MDS identified Resident #2 required extensive assistances of two staff to transfer from one surface to another and could not ambulate. The resident had been diagnoses with Parkinson's Disease, diabetes and stroke.</p> <p>The Care Plan identified Resident #2 had a communication problem identified 1/27/2017 and directed staff to ask yes or no questions and monitor for non-verbal communication. The Resident had anxious behavior symptoms identified on 11/4/2016.</p> <p>Observation on 4/26/2017 at 8:55 a.m., revealed a certified nurse aide (CNA) assisted Resident #2 with a urinal; the resident made his/her needs known.</p> <p>Observation on 4/26/2017 at 10:10 a.m., revealed Resident #2 transferred with the assistance of one staff from the wheelchair to the toilet. The resident used his/her right hand to hold onto the grab bar and had the ability to make his/her needs known.</p> <p>During an interview on 4/20/2017 at 9:15 a.m., Resident #2 reported he/she assumed staff were taking Coca Cola from his/her room. The resident revealed an Aide hit him/her in the head with the urinal</p>			
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	<p>one evening and that he/she reported it to Staff E, LPN (Licensed Practical Nurse). Resident #2 stated he/she did not know the Aides name, and it did not hurt, but it should not have happened.</p> <p>The Progress Notes failed to provide documentation of a physical assessment, physician notification, and family notification regarding the allegation of mistreatment reported March, 2017.</p> <p>During an interview on 4/26/2017 at 9:50 a.m., Staff C, LPN indicated on 3/31/2017, a CNA came and reported Resident #2's allegation regarding the urinal. Resident #2 told Staff C the incident occurred two days prior, he/she had reported it to Staff E, LPN and Staff E told the resident that Aide would not care for him/her any more. The resident reported no other concerns.</p> <p>During an interview on 4/25/2017 at 2:50 p.m., Staff E, LPN indicated Resident #2 never reported a concern. Staff E knew the resident and reported anytime the resident had a problem or concern, he/she immediately called family. The resident waited for nothing or no-one.</p> <p>During an interview on 4/26/2017 at 10:35 a.m., Staff B, Social Worker reported he/she learned of Resident #2's allegation on a Friday, the end of March. The DON and her talked to Resident #2 and found inconsistencies with the allegation. The DON checked the resident's forehead and found no mark. The resident failed to name the staff but knew him/her to be African American.</p>			
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	<p>The DON interviewed Staff F, CNA (Certified Nurse's Aide) who worked at the time of the allegation. Staff F denied the allegation and now worked on another hall.</p> <p>An interview with Staff F on 4/25/17 at 2:30 p.m., revealed last month [March 2017] she received a call from the DON. The DON informed Staff F that Resident #2 alleged during the second shift, she hit him/her in the head with a urinal. Staff F reported Staff E was the nurse at the time and she (Staff F) wrote a statement at the time saying that did not occur.</p> <p>During an interview on 4/25/2017 at 3 p.m., and 4/26/2017 at 11 a.m., the DON reported she conducted the investigation involving Resident #2. Resident #2 reported staff hit him/her in the head with a urinal. Staff C, LPN revealed Resident #2 reported the incident and indicated it occurred a couple of nights prior. Resident #2 told the DON that the African American staff member hit him/her in the head with the urinal on the evening shift and that he/she reported the incident to Staff E, LPN at the time it occurred. The DON reported they conducted an investigation regarding the concern reported regarding Resident #2. They conducted staff and resident interviews. The DON failed to provide documentation the facility conducted an investigation, resident assessments after allegations were made, and notified physician and family members.</p> <p>On 4/27/2017 at approximately 10:30 a.m., the DON presented copies of statements written by staff on 4/26/17 and 4/27/2017. The DON stated she requested staff write new statements since he/she</p>			
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	<p>failed to find original statements written at the time of the facility investigation.</p> <p>During an interview on 4/26/2017 at 10:30 a.m., the Administrator reported the Director of Nursing (DON) and Staff B, Social Worker conducted the investigation involving Resident #2 and determined they had no evidence to substantiate mistreatment. Resident #2 had a history of making false allegations, and had reported the concern to Staff E, LPN (Licensed Practical Nurse) immediately, however Staff E denied having been told.</p> <p>The facility Abuse Prevention, Identification, Investigation and Reporting Policy included: Policy Statement: All residents have the right to be free from abuse, neglect, and any physical or chemical restraint not required to treat the resident's medical symptoms. The policy identified Resident Abuse under the Federal Certification Guideline defined as follow: Abuse means the willful infliction of injury, intimidation or punishment with resulting physical harm, pain or mental anguish. Instances of abuse of all residents, irrespective of any mental or physical condition, cause physical harm, pain or mental anguish. Mental abuse includes but is not limited to, humiliation and threats of punishment. Mistreatment is defined as inappropriate treatment. The policy identified the facility is to report all allegations of Resident abuse, neglect, exploitation, mistreatment, injuries of unknown origin and misappropriation shall be reported immediately to the</p>			
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	<p>charge nurse. The charge nurse is responsible for immediately the allegations of abuse to the Administrator, or designated representative. All allegations of Resident abuse, neglect, exploitation, mistreatment, injuries of unknown origin and misappropriation shall be reported to the Iowa Department of Inspections and Appeals, no later than 24 hours if the events that cause the allegation involve abuse but do not result in serious bodily injury.</p> <p>Investigation:</p> <p>Should an incident or suspected incident of Resident abuse as defined above be reported or observed, the administrator or his/her designee will designate a member of management to investigate the alleged incident. The administrator or designee will complete documentation of the allegation of Resident Abuse and collect any supporting documents relative to the alleged incident.</p> <p>The investigation should include consideration of the following, based on circumstances of the allegations, as applicable:</p> <ol style="list-style-type: none"> <li>1. Review the completed documentation of the allegation of Resident abuse</li> <li>2. Review the Resident's medical record to determine events leading up to the incident</li> <li>3. If there is indication that injury has or may have occurred, a physical assessment must be completed by the Director or Nursing or charge nurse immediately</li> <li>4. Documentation of an physical assessment conducted will be made in the Resident's chart and a copy of this documentation will be included in the abuse investigation file</li> <li>5. The Director of Nursing or designated nurse will</li> </ol>			
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	<p>notify the Resident's attending physician of the alleged incident, the responsible family member as documented on the Resident's chart will be notified of the incident and advised of the status of the investigation and the actions and reporting being taken.</p> <p>7. Interview the persons reporting the incident and the alleged perpetrator and document witness statements.</p> <p><b>FACILITY RESPONSE:</b></p>			
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