

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

Citation Number: FC # 6525		Fine amount reduced by 35% to \$325.00 on May 22, 2017 pursuant to Iowa Code Section 135C.43A		Date: May 10, 2017	
Facility Name: REM Iowa Mansfield Avenue				Survey Dates: April 24, 2017 to April 27, 2017	
Facility Address/City/State/Zip 2901 Mansfield Avenue Cedar Rapids, IA. 52403		HL			
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date	

64.33(1)	481—64.33(135C) Allegations of dependent adult abuse. <i>64.33(1) Allegations of dependent adult abuse.</i> 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
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.			
52.2(2)a	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.			
W153	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			

Facility Administrator

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	<p>accordance with State law through established procedures.</p> <p>DESCRIPTION:</p> <p>Based on record review, interviews, and facility policy, the facility failed to report an allegation of abuse timely to the Department of Inspections and Appeals (DIA) for 2 of 2 clients (Client #1 and Client #2) during the investigation of the incident #67095-I). Findings follow:</p> <p>Findings follows:</p> <p>Record review on 4/24/17 revealed Client #1's Incident Report (IR), dated 3/16/17. According to the report, during an internal investigation into an anonymous complaint, Direct Support Professional (DSP) A alleged DSP B hit Client #1. DSP A made the allegation as a result of information she received from the Registered Nurse (RN). The nursing assessment showed a small mark on the client's back which might have been from rubbing his/her back against something or a pimple.</p> <p>Quarterly Nursing Assessment identified Client #1 had diagnoses of: Severe Intellectual Disability, Seizure Disorder, Vagus Nerve Stimulator, Spastic Cerebral Palsy, Spastic Hemiparesis, Left Sided Hemiparesis and contracture.</p> <p>Record review also revealed Client #2's IR, dated 3/16/17. The report documented DSP A alleged on 3/5/17, DSP B was verbally abusive and grabbed</p>			
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	<p>Client #2's wrist/arm after finding feces on the client's hands due to rectal digging. Staff indicated a red mark from DSP B's thumb was on Client #2's arm but did not leave any lasting injury. Nursing assessment completed on 3/16/17 revealed the client did not have any injury to the wrist area. Quarterly Nursing Assessment identified Client #2 had diagnosis of: Profound Intellectual Disability, Autistic Disorder, Cerebral Degeneration, Progressive Neurodegenerative Disorder, Mood Disorder, No functional speech, Incontinence of Bladder/Bowel and Dysphasia.</p> <p>The REM Incident Investigation concluded there was no information to support or negate alleged incidents of abuse occurred.</p> <p>When interviewed on 4/26/17 at 10:25 a.m. the RN stated DSP A had reported to her on 3/14/17 several clients had been "flinching." She said DSP A had observed the "flinching" that morning and they were both concerned about client's well-being. The RN decided she would talk to Client #1 as she felt, the client had the ability to answer questions. During the interview, the client communicated through yes/no responses, he/she had been hit by DSP B. The RN also asked DSP A to talk to the client and when they felt they had consistent responses from the client, decided the information should be reported. She stated they made the decision to report the situation to the 800 Hotline number for their corporation (Mentor). RN stated the phone call was made by DSP A because she also had additional</p>			
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	<p>information about another incident which occurred with Client #2. She stated she did not feel comfortable reporting to the current Supervisor due to past conflicts and the relationship between the supervisor and DSP B. The RN stated, after discussing the situation with the facility management staff, she realized she had not followed the facility policy and should have contacted another supervisor.</p> <p>When interviewed on 4/26/17 at 10:45 a.m. DSP A stated she had reported concerns about possible abuse to the RN on 3/14/17. Because of these concerns, the RN decided to talk to Client #1. DSP A stated she also talked to the client, after the RN had told her Client #1 had communicated DSP B had hit him/her. DSP B stated in her conversation with the client, she heard the same information as the RN. She had also witnessed a situation on March 5, 2017 after the lunch, in which DSP B was verbally inappropriate with Client #2 and grabbed the client's wrist after the client had been rectal digging. DSP A stated, at the time, she did not feel the staff's behavior was abusive but more reactive to the situation. She did think DSP B's verbalizations were degrading to the client and had an affect on him/her. DSP A stated, after talking with Client #1, she felt she needed to report the situations. She stated after a discussion with the nurse, she decided to contact the 800 Hotline number for the company versus contact someone locally. DSP A stated she felt she had reported properly because she talked to the nurse about her concerns, and was instructed to call the Hotline number. DSP A stated she should have reported the</p>			
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	<p>situation with Client #2 sooner but everything happened around the same time.</p> <p>Record review on 4/25/17 revealed the Policy and Procedure for Abuse/Neglect Reporting last revised on 2/16/15. According to the policy any employee who observed or suspected abuse, neglect, or potentially abusive acts directed toward an adult should make an immediate verbal report to the person in charge or the person's designated agent.</p> <p>When interviewed on 4/25/17 at 10:40 a.m. the Program Director confirmed the RN and DSP A failed to follow the facility policy on reporting allegations of abuse. She stated the Mentor Hotline number is listed for staff to report Medicaid Fraud, Medicaid Waste and Medicaid Abuse and allegations of client abuse should be made to the local agency. She stated staff should notify their immediate supervisor immediately with any allegations and if they are uncomfortable reporting to a certain person, staff could notify any supervisor/management staff.</p> <p>On 3/14/17 the facility staff was aware of the allegation/s of abuse. The facility did not report the allegations of abuse to DIA until 3/17/17 at 3:06 a.m. FACILITY RESPONSE:</p>			
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