

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

Citation Number: 6554		Date: June 15, 2017		
Facility Name: Mayvil		Survey Dates: May8, 15 and June 9, 2017		
Facility Address/City/State/Zip 136 36 th Ave SW Cedar Rapids, IA 52404		HL/DD		
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date

57.11(3)	481-57.11(135C) Personnel. 57.11(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 2014 Iowa Acts, chapter 1040, 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) DESCRIPTION: Based on interview and personnel record review, the facility failed to comply with requirements related to employee background checks found in Iowa Administrative Code 481- Chapter 50(9)3. Findings include: A review of personnel records revealed the facility failed to ensure criminal record, child abuse and dependent adult abuse checks were completed prior to hire as required by Iowa Code Administrative Code rule 481-50.9(3) for 22 of 26 employees reviewed (Staff A, B, C, D, E, F, G, H, I, J, K, L, N, O, P, Q, S, T, U, V, Y and Z). The Administrator confirmed this finding on 5/9/17 at 2:20 PM. See deficiencies under 50.9(3)b	II	\$500.00	Upon Receipt
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Facility Administrator

Date

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AND 50.9 (3)b	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) Based on interview and personnel record review, the facility failed to complete criminal history checks and/or child and dependent adult abuse registry checks prior to employment for 22 of 26 employees reviewed. Findings include: Review of employee files revealed the following: 1) Staff A (Administrator) was hired on 1/16/17. Child and dependent adult abuse registry checks were not completed through the Department of Human Services (DHS) until 1/20/17. A criminal history check was not completed through the Division of Criminal Investigation (DCI) until 5/9/17.			
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	2) Staff B (Director of Nursing) was hired on 3/20/17. Child and dependent adult abuse registry checks were not completed through DHS until 5/10/17. 3) Staff C was hired on 3/6/17. Child and dependent adult abuse registry checks were not completed through DHS until 5/10/17. 4) Staff D was hired on 4/18/17. Child and dependent adult abuse registry checks were not completed through DHS until 5/10/17. A criminal history check was not completed through DCI until 4/24/17. 5) Staff E was hired on 2/28/17. Child and dependent adult abuse registry checks were not completed through DHS until 5/10/17. A criminal history check was not completed through DCI until 5/9/17. 6) Staff F was hired on 3/6/17. Child and dependent adult abuse registry checks were not completed through DHS until 5/10/17. A criminal history check not was completed through DCI until 5/9/17. This check revealed a criminal history. 7) Staff G was hired on 4/4/17. Child and dependent adult abuse registry checks were not completed through DHS until 4/10/17. The checks revealed the individual was on the child abuse registry. 8) Staff H was hired on 9/13/16. Child and dependent adult abuse registry checks were completed through DHS on 3/8/16, more than 30 days prior to employment. A criminal history check not was			
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	completed through DCI until 5/10/17. 9) Staff I was hired on 2/27/17. Child and dependent adult abuse registry checks were not completed through DHS until 5/10/17. 10) Staff J was hired on 9/13/16. Criminal, dependent adult abuse and child abuse record checks have not been conducted. 11) Staff K was hired on 12/12/16. A criminal history check not was completed through DCI until 5/9/17. This check revealed a criminal history. 12) Staff L was hired on 4/28/17. Child and dependent adult abuse registry checks were not completed through DHS until 5/10/17. A criminal history check not was completed through DCI until 5/9/17. This check revealed a criminal history. 13) Staff N was hired on 8/9/16. Child and dependent adult abuse registry checks were not completed through DHS until 8/10/16. A criminal history check not was completed through DCI until 8/10/16. 14) Staff O was hired on 10/13/16. Child and dependent adult abuse registry checks were not completed through DHS until 1/20/17. A criminal history check not was completed through DCI until 5/9/17. 15) Staff P was hired on 8/6/16. Child and dependent adult abuse registry checks were not completed			
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	through DHS until 5/11/17. A criminal history check not was completed through DCI until 5/11/17. 16) Staff Q was hired on 4/21/16. No child abuse or dependent adult record check had been completed. A criminal history check not was completed through DCI until 5/9/17. 17) Staff S was hired on 11/23/16. A criminal history check was not completed through DCI until 5/9/17. 18) Staff T was hired on 9/24/16. Child and dependent adult abuse registry checks were not completed through DHS until 5/10/17. A criminal history check was not completed through DCI until 5/9/17. 19) Staff U was hired on 4/18/17. Child and dependent adult abuse registry checks were not completed through DHS until 5/10/17. A criminal history check was not completed through DCI until 4/24/17. 20) Staff V was hired on 3/16/17. Child and dependent adult abuse registry checks were not completed through DHS until 5/10/17. A criminal history check was not completed through DCI until 5/10/17. This check revealed a criminal history. 21) Staff Y was hired on 4/28/17. Child and dependent adult abuse registry checks were not completed through DHS until 5/10/17. The record check revealed the individual was on the child abuse			
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	registry. A criminal history check was not completed through DCI until 5/4/17. 22) Staff Z was hired on 5/5/17. Child and dependent adult abuse registry checks were not completed through DHS until 5/15/17. A criminal history check was not completed through DCI until 5/9/17. This check revealed a criminal history. Interview with Staff C on 5/9/17 at 3:55 revealed this person's job duties included sending out the background check requests to the Department of Human Services. Staff C reported she thought employees could start working as soon as the request was faxed to DHS, not after it was returned by DHS. The Administrator confirmed these findings in an interview on 5/9/17 at 2:20 PM. The Administrator stated records of background checks may have been misplaced by previous administrators. FACILITY RESPONSE:			
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57.11(135C)	481-57.11(135C) Personnel. 57.11(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 2014 Iowa Acts, chapter 1040, 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)	II	\$500.	Upon Receipt
50.9(3)c,d	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. c. 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.			

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	d. If a person being considered for employment has a record of founded child or dependent adult abuse. If a department of human services child or dependent adult abuse record check shows that a person being considered for employment in a facility has a record of founded child or dependent adult abuse, the department of human services shall notify the facility that upon the request of the facility the department of human services will perform an evaluation to determine whether the founded child or dependent adult abuse warrants prohibition of the person's employment in the facility DESCRIPTION Based on interview and personnel record review, the facility failed to ensure evaluations were obtained from the Department of Human Services (DHS) for 3 of 8 employees reviewed who had a criminal history (Staff G, I, M); and for 1 of 2 employees reviewed on the child abuse registry (Staff G.) Findings include: Review of staff files revealed 8 employees who had a criminal history. The criminal history record checks for 5 of these individuals were completed on 5/9/17 therefore the facility had not yet been able to secure the required evaluation from DHS. Findings for the other 3 staff are as follows: a.) Staff G was hired on 4/4/17. A background check completed on 4/4/17 revealed a criminal record. The facility failed to secure an evaluation by DHS to			
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	determine whether or not the individual could work at the facility. An abuse registry check completed on 4/10/17 revealed Staff G was on the child abuse registry. The facility failed to secure an evaluation by DHS to determine whether or not the individual could work at the facility. b.) Staff I was hired on 2/27/17. A background check completed on 2/27/17 revealed a criminal record. The facility failed to secure an evaluation by DHS to determine whether or not the individual could work at the facility. c.) Staff M was hired on 10/13/16. A background check completed on 10/12/16 revealed a criminal record. The facility failed to secure an evaluation by DHS to determine whether or not the individual could work at the facility. The Administrator confirmed the above finding on 5/10/17 at 4:35 PM. FACILITY RESPONSE:			
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