

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

Citation Number: 6620					Date: July 27, 2017
Facility Name: West Bend Health And Rehabilitation		Fine amount reduced by 35% to \$325.00 on August 30, 2017 pursuant to Iowa Code Section 135C.43A		Survey Dates: July 5, 6, 10, 11, 12, 13, 2017	
Facility Address/City/State/Zip 203 Fourth Street NW West Bend, IA 50597					
		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	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. DESCRIPTION:				

Facility Administrator

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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>Based on observation, record review and staff interview, the facility failed to ensure that all alleged violations involving abuse were reported timely to the administrator of the facility and to other officials (including to the State Survey Agency in accordance with State law through established procedures for one resident incident of alleged abuse. Staff A RN (registered nurse) allegedly abused Resident #1 on 6/11/17. The facility failed to report the alleged abuse to the State agency until 6/13/17. Facility census was thirty-one (31) residents.</p> <p>Findings include:</p> <p>1. A Minimum Data Set (MDS) with assessment reference date of 5/18/17, assessed Resident #1 with a brief interview for mental status (BIMS) score of "3" (severe cognitive impairment). The resident required extensive staff assistance with transfers and toileting. The resident was non-ambulatory and used a wheelchair for mobility. The resident was frequently incontinent of bowel and bladder. The resident had physical and verbal behaviors directed toward others 1 to 3 days out of 7. A clinic nursing home note, dated 5/17/17 identified the resident with diagnoses that included: advanced age with dementia, deafness and depression with anxiety and agitation.</p> <p>A facility investigation report form dated 6/14/17 to the State agency revealed 2 CNAs (certified nurse aides) alleged Staff A RN pulled Resident #1's hair in response to the resident pulling Staff A's hair. The</p>			
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	<p>report revealed the date of the incident as 6/11/17 and identified the facility became aware of the incident 6/12/17.</p> <p>The Director of Nursing's (DON) "investigation of the incident involving Resident #1 on 6/11/17" revealed the DON became aware of the incident on 6/12/17 at 10 a.m. when Staff B (CNA) certified nurse aide told her to visit with Staff C CNA and Staff D CNA about an incident involving Staff A that occurred 6/11/17. Staff B stated she was not involved in the incident but Staff D CNA told her Resident #1 got upset with cares and pulled Staff A's hair and Staff A pulled Resident #1's hair back to get the resident to let go. The DON documented that Staff C worked on 6/12/17 so she summoned Staff C to her office and asked about the incident. Staff C said the resident got upset with toileting and Staff A came to assist. Resident #1 pulled Staff A's hair and Staff A responded by pulling the resident's hair. Staff C denied seeing Staff A pull the resident's hair but said Staff D did see it. The DON wanted to visit with Staff D about the incident before contacting Staff A. The resident did not sustain injury. Staff D worked 6/13/17 so the DON spoke to her about the incident. Staff D reported the same thing as Staff C and stated she actually saw Staff A pull the resident's hair. The DON then called Staff A and asked her about the incident. Staff A denied pulling the resident's hair. The DON had all involved staff write statements and suspended Staff A. She then completed the self report to the State agency on 6/13/17.</p>			
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	<p>On 7/31/17 at 12:35 p.m. the DON stated she counseled Staff C and Staff D for not reporting the incident in a timely manner. She stated they told her they did not think it was abuse. The DON informed them it was not their decision to make. She provided the surveyor with copies of the counseling both staff received.</p> <p>Progressive discipline for Staff C dated 6/15/17 for the 6/11/17 incident revealed the DON verbally counseled Staff C regarding failure to report the incident to Staff E (RN) who also worked 6/11/17 when the incident occurred. Staff C also failed to notify the Administrator or DON.</p> <p>Progressive discipline for Staff D dated 6/15/17 for the 6/11/17 incident revealed the DON counseled Staff D regarding failure to report the incident to the DON or Administrator or Staff E RN the other RN on duty.</p> <p>On 7/26/17 at 11:04 a.m. Staff D CNA stated she did not report the incident on 6/11/17 because she was "stunned" by the incident. On 8/1/17 at 2:14 p.m. Staff D stated she DID think the incident was abuse because it should not have happened.</p> <p>On 7/31/17 at 12:05 p.m. Staff C CNA stated she didn't think to report the incident. She didn't really see hair pulled so she didn't call it abuse.</p> <p>Facility Patient Abuse Policy identified any abuse will be reported to the State agency immediately. A policy</p>				
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	<p>for "reporting and investigating suspected abuse" revealed the employee would immediately contact the State agency and then the direct supervisor to inform them of the situation. The direct supervisor will then contact the Administrator. In the absence of the Administrator, staff should contact the DON.</p> <p>Observation: On 7/31/17 at 9:22 a.m. observation showed the resident in a wheelchair. At that time, the surveyor communicated with the resident via dry erase board. The resident stated "yes" the workers at the facility treated him/her "good". The resident denied having his/her hair pulled. At that time, the surveyor tested the resident's cognitive ability. The surveyor asked the resident what month, year and town the resident was in. The resident answered "December" to questions asked. When asked how old the resident was, the resident also answered "December". FACILITY RESPONSE:</p>			
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