

Iowa Department of Inspections and Appeals
Health Facilities Division
Citation

Citation Number: FC # 6634		Fine amount reduced by 35% to \$6,500.00 on September 21, 2017 pursuant to Iowa Code Section 135C.43A	Date: September 7, 2017	
Facility Name: Mosaic- 825 Ashwood		Survey Dates: August 14-17, 2017		
Facility Address/City/State/Zip 825 S 7th Street Forest City, IA. 50436		HL		
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date

56.6	<p>481—56.6 (135C) Treble and double fines.</p> <p>56.6(1) <i>Treble fines for repeated violations.</i> The director of the department of inspections and appeals shall treble the penalties specified in rule 481—56.3(135C) for any second or subsequent class I or class II violation occurring within any 12-month period, if a citation was issued for the same class I or class II violation occurring within that period and a penalty was assessed therefor.</p>	I	\$9000.00 (Treble Fine \$3000.X3)	Upon Receipt
64.60	<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>			
W249	483.440(d)(1) Program Implementation As soon as the interdisciplinary team has formulate a client's individual program plan, each client must receive a continuous active treatment			

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	program consisting of needed interventions and services in sufficient number and frequency to support the achievement of the objectives identified in the individual program plan.			
<p>DESCRIPTION:</p> <p>Based on interviews and record review, the facility failed to consistently ensure implementation of individual program plans (IPPs) as written. This affected 1 of 1 Client (Client #1) identified in investigation #70158-I. Findings follow:</p> <p>Record review on 8/14/17 revealed a General Event Reports (GER) dated 8/14/17 at 2:29 p.m. The report completed by Direct Support Associate (DSA) A, documented: "(Staff) took (Client #1) to get a haircut not realizing they didn't take debit cards. (They) went to the gas station and (Client #1) got a drink and cash back. (Staff) parked on a hill. (Client #1) said (he/she) wanted to stay in the car. (Staff) walked into the salon and when she saw the lady wasn't at the front desk (a minute at most) she went back out to get (Client #1) and shut off the van. (Staff) reached over (Client #1) to grab the keys and apparently (the van) wasn't in park... the van rolled down hill in reverse. (The) driver side door was open with (staff's) back to the door. (Staff) ran with the van (she was between open door and (Client #1)) The passenger side door... hit a pole (hyperextending) the door making it not able to shut. (The) van kept rolling and finally stopped when it hit the backside of a truck. (Staff was able to move the</p>				

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	<p>vehicle so it wasn't in the middle of the road. (When) parked police showed up and took information... staff called the home to have some one come (get Client #1)."</p> <p>Additional record review revealed DSA A's statement to the facility of events, dated 8/15/17. The statement recounted, Client #1 and DSA A pulled up to pay for his/her haircut; since they didn't take debit they had to go get cash. Client #1 told DSA A he/she did not want to go inside. She left the van running and quickly ran inside. When she saw it would be a bit because the lady was doing a haircut, she went to get (Client #1). DSA A documented this as a minute at most. She opened Client #1's door and told him/her he/she would have to go in because it would be a bit. She reached over Client #1 to shut the van off and pull the keys. As soon as she turned the key, the van began to roll backwards. The door was open and she stood between the door and Client #1. The van rolled back two parking spaces before it hit a pole. DSA A continued to run with the van. The van then crossed a four way intersection and curved a little. It crossed the road and hit a truck. She shut the door as well as she could before she moved the van to a parking spot so it wasn't in the middle of the road. Police showed up and took her information. No citation was given. She guessed the van rolled 30 yards or so.</p> <p>When interviewed on 8/15/17 at 12:00 p.m. DSA A explained she took Client #1 to get a haircut. The salon did not take debit cards, so they went to get \$20 cash from the gas station. When they returned to the</p>			

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	<p>salon she pulled back in front, with the passenger side parallel to the sidewalk, and parked on the hill. She left the van running and left the van in drive unknowingly. She had the passenger side door open and when she shut the van off it began to roll backwards. The door hit a light pole bending the door back. The van rolled across the intersection and hit a parked truck. DSA A guess the van rolled approximately 30 yards or so.</p> <p>Record review on 8/15/17 revealed Client #1's Individual Support Plan, dated 7/26/17. The Plan stated under Safety in the Community section: Staff are with Client #1 at all times when he/she is in the community. The plan further stated Staff are with him/her at all times to keep him/her safe. Further record review of the ISP meeting revealed a Mosaic Human Right Assessment form. The form, dated 6/1/17, included a section Supervision: The report stated Client #1 received 24 hour supervision in the community.</p> <p>Continued record review revealed Client #1, age 28, had diagnoses including, but not limited to: moderate intellectual disability, major depressive disorder, autistic disorder, impulse disorder, epilepsy and recurrent seizures, and attention deficit hyperactivity disorder.</p> <p>When interviewed on 8/16/17 at 3:30 p.m. the Program Coordinator and Qualified Intellectual Disability Professional (QIDP) stated Client #1 should be supervised at all times when in the community. DSA A</p>			

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	should not have left Client #1 unsupervised and should not have left the van running. FACILITY RESPONSE:			

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64.34(135C)	481—64.34(135C) 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 2013 Iowa Acts, Senate File 347, 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) [ARC 0903C, IAB 8/7/13, effective 9/11/13]	II	\$500.00	Upon Receipt
50.9(3)	50.9(3) <i>Requirements for employer prior to employing an individual.</i> 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. <i>c. If a person being considered for employment has been convicted of a crime.</i> If a person being			

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	<p>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. (I, II, III)</p> <p>DESCRIPTION Based on interview and record review, the facility failed to ensure criminal background checks were thoroughly completed when a possible hit occurred. This potentially affected 7 of 7 clients residing in the facility. Finding follows:</p> <p>Record review on 8/14/17 of facility criminal background checks, revealed Staff B's Single Contact License and Background Check (SING). The report, timestamped 12/16/16, directed, "Initiate record check evaluation process by completing form 2310 and submitting to DHS..." for the child abuse registry. Further record review revealed no further evaluation completed by the facility.</p> <p>Additional record review revealed Staff B's date of hire 1/2/17.</p> <p>When interviewed on 8/14/17 the director of human resources confirmed the facility failed to complete the necessary evaluations for Staff B prior to hire. Upon discovery during the annual survey the facility completed the checks and the employees were cleared</p>			

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	<p>to work.</p> <p>FACILITY RESPONSE:</p>			
64.34(135C)	<p>481—64.34(135C) 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 2013 Iowa Acts, Senate File 347, 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) [ARC 0903C, IA B 8/7/13, effective 9/11/13]</p>	II	\$500.00	Upon Receipt

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	<p>of human services will perform an evaluation to determine whether the crime warrants prohibition of the person's employment in the facility. (I, II, III)</p> <p>DESCRIPTION: Based on interview and record review, the facility failed to ensure criminal background checks were completed within 30 days of hire. This potentially affected 7 of 7 clients residing in the facility. Finding follows:</p> <p>Record review on 8/14/17 of facility criminal background checks, revealed Staff A was hired on 5/28/17. Further record review revealed Single contact License and Background Check (SING) completed 4/14/17.</p> <p>When interviewed on 8/14/17 the Director of Human Resources confirmed the facility failed to complete a SING check no more than 30 days prior to hire.</p> <p>FACILITY RESPONSE:</p>			

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