

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

Citation Number: 6671		Amended on December 11, 2017 following IDR decision.		Date: October 19, 2017	
Concord Care Center				Survey Dates: September 25-28, 2017	
490 West Lyon Street Garner, Iowa 50438					
		DS			
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date	

135C.33 (1)	<b>135C.33 Employees and certified nurse aide trainees-child or dependent adult abuse information and criminal record checks-evaluations-application to other providers-penalty.</b> 1. 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. A facility shall inform all persons prior to employment regarding the performance of the record checks and shall obtain, from the persons, a signed acknowledgment of the receipt of the information. A facility shall include the following inquiry in an application for employment.	II	\$500	Upon Receipt
+	<b>50.9(3)b</b> <b>481-50.9 (135C) Criminal, dependent adult abuse, and child abuse record checks.</b> <b>50.9(3)</b> <i>Requirements for prospective 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>b. Conducting a background check.</i> The facility may access the single contact repository (SING)			

\_\_\_\_\_  
Facility Administrator

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Date

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<b>58.11(3)</b>	<p>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).</p> <p><b>481-58.11(135C) Personnel.</b>  <b>58.11(3)</b> <i>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.</i> 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).</p> <p><b>DESCRIPTION:</b></p> <p>Based on review of personnel records, staff interview and review of policy and procedures, the facility failed to assure the required pre-employment checks were completed for 1 of 5</p>			
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	<p>staff reviewed (Staff B). The facility reported a census of 49 residents.</p> <p>Findings include:</p> <p>Review of the facility form titled <b><u>New Hire List for 2016-2017</u></b> included Staff B, Registered Nurse (RN) on 2/1/17.</p> <p>A Hireright corporate criminal screening, documented a completion date of 2/17/17 of a national sex offender registry, and wide screen plus national criminal search of Staff B (over 2 weeks after the hire date).</p> <p>The personnel record lacked an abuse registries background check.</p> <p>On 9/27/17 at 4 p.m. the Administrator was interviewed and stated Staff B had contracted through an Agency and had never been in the United States. The Administrator was the contracting agency responsible for all required checks on Staff B. The Administrator stated the criminal check was not completed until 2/17/17 because she had to be assigned a social security number when she first started. Staff B contracted for 3 years and started on 2/1/17, before the (Hireright) criminal check was completed.</p>			
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	<p>An International Staffing Agreement dated 12/5/16 documented the staffing agency would conduct background investigations as required by visa regulations and laws of the state of Iowa.</p> <p>The policy and procedures titled <b><u>Abuse Prevention, Training, and Investigations</u></b>, revised 8/24/17, defined an employee as any individual who is paid either by the healthcare facility or any other entity (temporary agency, private duty, Medicare/Medicaid, or independent contractors) to provide direct or indirect treatment or services to residents of the facility. A Single Contact Repository (SING) background record check would be completed through the Iowa Department of Administrative Services website prior to the offering of a position of employment and no more than 30 calendar days before starting employment. The background check would include criminal history, dependent adult and child abuse registries, and the sex offender registry.</p> <p>Verification of the checks were retained on file in the facility (Exception: Independent contractors may provide assurance that the required verification is retained within their primary place of business).</p> <p><b>FACILITY RESPONSE:</b></p>			
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