

Iowa Department of Inspections and Appeals
Health Facilities Division
Citation

Citation Number: FC 6685		Fine amount reduced by 35% to \$3,250.00 on November 13, 2017 pursuant to Iowa Code Section 135C.43A	Date: October 26, 2017	
Facility Name: Opportunity Living #1		Survey Dates: October 9-16, 2017		
Facility Address/City/State/Zip 105 Westview Lake City, IA 51449		HL	70836-I	
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date

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>	I	\$5000.00	Upon Receipt
W249	<p>483.440(d)(1) PROGRAM IMPLEMENTATION As soon as the interdisciplinary team has formulated a client's individual program plan, each client must receive a continuous active treatment 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> <p>DESCRIPTION: Based on interviews and record review the facility failed to ensure staff consistently provided appropriate client supervision as directed by the annual evaluation. This affected 1 of 1 clients (Client #1) identified in #70836-I. Findings follow:</p>			

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	<p>1. Record review on 10/9/17 revealed an Opportunity Living Incident Report completed on 7/10/17 at 8:20 a.m. by Staff A. The report described Staff A walked to the front entry and noticed Client #1 across the street. Nursing Assessment completed without any injuries noted. Client returned to the house cooperatively with the staff.</p> <p>Client #1-19 years old and had diagnoses including but not limited to: Intellectual Disability, legally blind, seizures, cerebral palsy and Seasonal Affective Disorder (SAD). Client #1 was admitted to the facility on 4/12/2016.</p> <p>Client #1's annual evaluation completed on 6/6/17 included the following for his/her home supervision level: He/She "has a history of leaving the home unattended. This is usually just (his/her) way of exploring (his/her) environment or because (he/she) wants to be outside. (He/She) is not attempting to run away but does not have safety skills to protect (himself/herself) should (he/she) wander outside. Staff must be aware of where (Client #1) is at all times. When not in the living or dining room area of (his/her) home (he/she) is checked on every 15 minutes and during the hours of sleep (he/she) is checked on every 30 minutes."</p> <p>Record review on 10/11/17 revealed Client #1's Comprehensive Functional Assessment (CFA) completed 6/6/17. The section addressing survival skills documented "not applicable" for "crosses streets safely" and "travels about community safely".</p>			
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	<p>According to Weather Underground the temperature was 78 degrees with no precipitation at that time on 7/10/17.</p> <p>When interviewed on 10/12/17 at 1:00 p.m. Staff A explained Client #1 was in the living/dining room when she went back to the bedroom area. When she returned she did not see Client #1 and noticed he/she was across the street. She remembered the client took off his/her shirt while outside. She stated Staff B was in the living room/dining room area with Client #1 when she went to the back of the house. She said the client wore shorts, a t-shirt and tennis shoes. She returned the client to the house. She was aware of clients' supervision level and had been trained on the proper level of supervision the client required for safety. She admitted the client would not be safe outside because the client was "legally blind."</p> <p>Interview with a bus driver from a different house on 10/11/17 at 2:00 p.m. revealed he was by the bus at House E waiting to assist clients to load. He noticed a person walk out of House A holding their hands in front of them like they were looking at a phone. Then he noticed the person did not have a phone and was wandering. He did not know the client and observed the client sit for about 5 seconds in the middle of the street. The client soon got up and walked across the street towards House B. He called House A and at the same time a staff person came out of House A and assisted the client back inside the house. He guessed the client walked about 35 feet from his/her house. He</p>			
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	<p>denied any traffic on the street during the incident and added there was not much traffic on that street.</p> <p>Interview with Staff B on 10/12/17 at 10:45 a.m. confirmed he was in the living room/dining room when the client was noticed outside. He did not know how the client got outside. He thought the client had been in his bedroom. He was aware of the clients' supervision level and had been trained regarding the clients' needs.</p> <p>Observation on 10/9/17 at 12:00 noon revealed Client #1 completed lunch. Client #1 carried dishes to the sink and walked around the house. He/She walked around the house holding own hands in front of body to protect from walking into doors/objects. Eyes remained closed. Staff assisted and verbally prompted Client #1 to maneuver in the home.</p> <p>Observation of the area on 10/9/17 at 1:00 p.m. revealed a residential area with a 25 mile per hour (mph) speed limit. The paved street had sidewalks and contained no other dangers beside traffic. The area between House A and B was flat and easy to view people standing in the street/sidewalk.</p> <p>When interviewed on 10/11/17 at 1:15 p.m. the cook explained she was in the kitchen when Client #1 was noticed across the street. She remembered Staff A noticed the client and went outside to return the client to the home. She stated Staff B was up front in the home. Another staff was in the bedroom area assisting other clients.</p>			
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	<p>2. Record review on 10/9/17 revealed a facility Incident Report dated 8/21/17 at 3:35 p.m. by Staff C. She wrote Client #1 was found on the front patio. She wrote the client was in the recliner in the living room prior to walking outside. The report indicated the nurse assessed the client to find no injuries. The report also indicated the client "could not have been out there more than a couple minutes."</p> <p>According to Weather Underground the temperature was 80 degrees with no precipitation at the time the client left the house.</p> <p>When interviewed on 10/11/17 at 2:50 p.m. Staff C admitted she was in the living room/dining room area and had stepped into the kitchen when Client #1 went outside without staff supervision. She stated Staff D was up front when she went into the kitchen.</p> <p>Interview with Staff D on 10/11/17 at 2:10 p.m. confirmed she was in the living room/dining room and stepped into the kitchen. She said she was only in the kitchen about 2 seconds and when she stepped out the nurse (Certified Med Aide/CMA) was bringing the client back inside.</p> <p>When interviewed on 10/9/17 at 2:10 p.m. the CMA explained she completed the med pass at House A and was walking outside when she saw Staff E (a staff from across the street) pointing to Client #1 who was standing at the side of the house. She assisted the client back inside as the staff stepped out of the</p>			
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	<p>kitchen. She told them the client was outside.</p> <p>When interviewed on 10/9/17 at 2:05 p.m. Staff E stated he looked outside of House B to see Client #1 stand by the front patio. He did not know how long the client was outside. He watched the client and as soon as he saw the CMA leave House A he pointed so she could see him/her. He added the client did not wear socks however the weather was nice.</p> <p>When interviewed on 10/9/17 at 2:00 p.m. the Qualified Intellectual Disability Professional (QIDP) explained Client #1 wandered out of the home the first time in May [2017]. Every staff was retrained on 5/30/17. The training sheet documented: "Staff are responsible for knowing where all clients in the home are at all times. If a staff must go to another area of the home to assist with a client and they are responsible for a client that has attempted to or has left the home without staff knowing, they must give responsibility for the client to another staff prior to going to the other area of the home. If this is not done and that client leaves the home unattended, staff will be written up and suspended without pay. The decision as to who is written up will be up to the discretion of the home supervisor pending her investigation. The first incident of this occurring will result in a one day suspension. The second incident of this occurring will result in a three day suspension. The third incident of this occurring will result in termination. The majority of clients living at Opportunity Living do not have the safety skills to be outside on their home without staff supervision. This means they could and would walk</p>			
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	<p>into the street without making sure it was safe signed the QIDP." The remainder of the document showed staff's signatures stating understanding.</p> <p>The QIDP admitted both of these incidents were due to "staff error." She explained the home does have an additional staff from 6-10 and 4-8 to assist with supervision currently.</p> <p>FACILITY RESPONSE:</p>			
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