

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

Citation Number: 6697				Date: November 21, 2017	
Accordius Health at St. Mary		Fine amount reduced by 35% to \$325.00 on December 1, 2017 pursuant to Iowa Code Section 135C.43A		Survey Dates: October 31, 2017, November 1-3, 8-9, 2017	
800 East Rusholme Street Davenport, Iowa 52803					
		DS			
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date	

135C.33 (1)	135C.33 Employees and certified nurse aide trainees-child or dependent adult abuse information and criminal record checks-evaluations-application to other providers-penalty.	II	\$500	Upon Receipt
+	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.			
50.9(3)b	481-50.9 (135C) Criminal, dependent adult abuse, and child abuse record checks. 50.9(3) Requirements for prospective 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. <i>b. Conducting a background check.</i> The facility may access the single contact repository (SING)			

Facility Administrator

Date

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>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>58.11(3) 481-58.11(135C) Personnel. 58.11(3) <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>DESCRIPTION:</p> <p>Based on review of personnel files, staff interview and review of policy and procedures, the facility failed to complete criminal background checks and dependent adult abuse checks prior to</p>			
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	<p>employment for 2 of 10 personnel files reviewed. The facility reported a census of 52 residents.</p> <p>Findings include:</p> <p>According to a list of new hired employees, Staff A (dietary) had a date of hire as 10/13/17.</p> <p>The Single Contact License & Background Check Sheet dated 10/13/17 revealed no results of the criminal history or abuse history for Staff A.</p> <p>The Single Contact License and Background Check sheet dated 11/2/17 at 10:09 a.m. identified Staff A had a clear Abuse Registries Background Check. The sheet identified "further search required" on the Criminal History Background Check.</p> <p>On 11/2/17 at 9:36 a.m. Staff C (Human Resource person) was interviewed and stated she completed the background check on Staff A on 10/13/17. Staff C reported she searched the database history and could not find a completion of the criminal and abuse check was completed. Staff C stated she completed the checks today. Staff C reported Staff A was contacted and told not to work until the criminal history check cleared.</p>			
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	<p>2. The hire list identified Staff B (nurse aide) had a date of hire as 10/12/17.</p> <p>The Single Contact License & Background Check sheet dated 10/12/17 indicated no results of the criminal history or abuse history for Staff B.</p> <p>The Single Contact License & Background Check sheet dated 11/2/17 revealed Staff B had a clear Abuse and Criminal Background Check.</p> <p>An on 11/2/17 at 9:36 a.m. Staff C (Human Resource person) reported she completed the background check of Staff B on 10/12/17. Staff C stated she could not find that an abuse and criminal check was completed. Staff C reported she completed the check today.</p> <p>The policy and procedures titled <u>Background Screening Investigations</u>, revised November 2015, identified the Human Resources Director will conduct background checks, reference checks and criminal conviction checks on all potential employees and contract employees within two days of an offer of employment.</p> <p>FACILITY RESPONSE:</p>			
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