

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

Citation Number: 6842	Amended 08/31/2018	Date: August 20, 2018		
Facility Name: REM Iowa-Birch		Survey Dates: July 17, 18, 19, August 8, 2018		
Facility Address/City/State/Zip 29 East St. Shelby, IA 51570				
	LK	76545-M & 76549-M		
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. 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. This rule is intended to implement Iowa Code Section 135C.2(3).</p>	II	\$500.00	Upon Receipt
W153	<p>483.420(d)(2) STAFF TREATMENT OF CLIENTS The facility must ensure that all allegations of mistreatment, neglect or abuse as well as injuries of unknown source, are reported immediately to the administrator or to other officials in accordance with State law through established procedures.</p>			
58.43(9)	<p>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)</p>			
52.2(a)	<p>481—52.2(235E) Persons who must report dependent adult abuse and the reporting</p>			

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<p>procedure for those persons.</p> <p>52.2(2) Reporting suspected dependent adult abuse in facilities or programs.</p> <p style="margin-left: 20px;">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.</p> <p>Iowa Code section 235E.2(3)(a)</p> <p>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.</p> <p>DESCRIPTION:</p> <p>Based on interview and record review, the facility failed to ensure allegations of abuse were immediately reported. This affected 2 of 2 clients involved in abuse investigations (Client #1 and Client #2). Findings</p>	
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	<p>follow:</p> <p>Review of the facility investigation on 7/18/18 revealed Direct Support Professional (DSP) B witnessed DSP A push Client #1 on his shoulder, causing the client to stumble backwards, after Client #1 purposefully coughed near DSP A's face. This incident happened around 5:00 p.m. on 6/07/18. DSP C witnessed DSP A push Client #1 on his chest on 6/07/18 at approximately 8:00 p.m., causing the Client #1 to stumble backwards against the couch. DSP B and C discussed the incidents, but did not report it until the next afternoon. The facility began an investigation on the afternoon of 6/08/18. When the facility interviewed DSP D, he said he had seen DSP A curse and yell at clients and treat them like "trash." DSP D said he had seen DSP A push/shove Client #1 on multiple occasions. DSP D also reported he witnessed DSP A send Client #2 to her room for refusing to shower. He said on the afternoon of 6/08/18, DSP A said to Client #2, "You f***ing stink" and sent the client to her room. Client #2 became upset and hit herself in the head. DSP E also said she had heard DSP A tell Client #2 that she stunk and told her to go to her room. DSP E said she regularly witnessed DSP A yell and curse at clients, especially at Client #1 and Client #2.</p> <p>When interviewed on 7/17/18 at 3:45 p.m. DSP B said she and DSP C went to Birch House on the afternoon of 6/07/18 around 5:00 p.m. to check in medications. DSP B said she stepped out of the medication room door because she heard something. She looked down the hallway and saw DSP A standing near the kitchen</p>			
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	<p>door. Client #1 was close to DSP A and leaned in and coughed near her face. DSP A pushed Client #1 with one hand on his right shoulder. Client #1 stumbled back but did not fall. DSP B went back into the medication room and told DSP C about the incident. DSP B said she did not report the incident immediately to management staff because she wanted to talk to a management staff face to face to discuss it. DSP B said she heard DSP A yell at clients in the past, but she had not witnessed DSP A send a client to their room or curse at clients. DSP B usually worked at the group home next door.</p> <p>When interviewed on 7/17/18 at 3:00 p.m. DSP C said she and DSP B went to Birch House on the afternoon of 6/07/18 around 5:00 p.m. to check in medications. DSP B left the medication room briefly and then came back in and said she had just seen DSP A push Client #1. DSP C went back to Birch House on 6/07/18 around 8:00 p.m. to pass medications. She had passed some of the medication and walked part way down the hallway to find another client who was ready for medications. From the hallway, DSP C saw DSP A sitting on the couch in the living room. Client #1 was standing behind DSP A, when he leaned over and coughed near DSP A's face. DSP A got up and began to go around the back of the couch. Client #1 again leaned in and coughed near DSP A's face. DSP A used a flat open hand and pushed on Client #1's chest to push him back. Client #1 stumbled backwards into the back of the couch. DSP C said she and DSP B reported the allegations the next day, shortly after they</p>			
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	<p>arrived for their shift at 2:30 p.m. DSP C said she had not seen DSP A tell Client #2 to go to her room, but she had noticed on a past occasion that Client #2 would not come out of her room after DSP A had gone to her room to talk to her. This was unusual since Client #2 was typically sociable and liked to be in the common area with others. DSP C said she mentioned this to the Lead DSP at the Aspen House, where DSP C usually worked. DSP C said it seemed odd that Client #2 did not come out of her room.</p> <p>When interviewed on 7/18/18 at 1:20 p.m. DSP D said DSP A regularly yelled and cursed at clients. on the afternoon of 6/18/18, Client #2 was refusing to shower. DSP A told the client, "You f***ing stink". DSP A told Client #2 she could not sit in the living room with the rest of the group and she needed to go to her room. Client #1 began hitting herself in the head. DSP D said he witnessed DSP A on multiple occasions send Client #2 for refusing to shower. DSP D said he did not see DSP A push Client #1 on 6/07/18, but he had seen her do it multiple other times when Client #1 was aggressive or coughed in DSP A's face. DSP D said DSP A pushed Client #1 away with force and this happened frequently. DSP D never saw Client #1 fall or get injured from the pushes. DSP D said he had reported concerns about DSP A to the Program Coordinator and the Program Supervisor in the past.</p> <p>When interviewed on 7/18/18 at 3:00 p.m. DSP E said she witnessed DSP A yell and scream at the clients.</p>			
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<p>She had also seen DSP A tell Client #2 to go to her room when the client refused to shower. Client #2 sometimes reacted by hitting herself in the head or biting herself. Sometimes Client #2 also cried when sent to her room. DSP A yelled at Client #2 if she tried to come out of her room after DSP A had sent her there. DSP A seemed to target Client #1, #2 and #3. DSP A yelled at Client #3, but the client was hard of hearing. DSP E had never seen DSP A push Client #1, just yell and scream at him.</p> <p>When interviewed on 7/18/18 at 1:00 p.m. the Program Supervisor said no staff person had made allegations that DSP A mistreated or abused clients prior to the afternoon of 6/08/18.</p> <p>When interviewed on 7/18/18 at 2:00 p.m. the Program Director acknowledged the staff should have reported the allegations of client mistreatment/ abuse immediately. She said she first learned of the abuse allegations on 6/08/18. Staff had complained about DSP A in the past, but not related to mistreating clients.</p> <p>According to the facility Abuse Reporting Policy, an employee who observes or suspects abuse, neglect or potential abusive acts should immediately make a verbal report to the person in charge (supervisory or management staff). A supervisor who receives such a report should immediately report the allegation to the program director or designee. Once the report is received, the facility would separate the alleged</p>	
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	perpetrator from the alleged victim. FACILITY RESPONSE:				

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