

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

Citation Number: #6914		Date: February 11, 2019		
Facility Name: Pearl Valley Rehabilitation and Nursing at Gowrie		Survey Dates: January 27-29, 2019		
Facility Address/City/State/Zip 1808 Main St Gowrie, IA 50543		JKM		
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date

58.11(3)	<p>481—58.11(135C) Personnel.</p> <p><i>58.11(3) 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]</i></p>	II	\$500	Upon Receipt
50.9(3)a	<p>481—50.9(135C) Criminal, dependent adult abuse, and child abuse record checks.</p> <p><i>50.9(3) Requirements for 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></p> <p><i>b. Conducting a background check. The facility may access the single contact repository (SING)</i></p>			

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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50.9(4)	<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>50.9(4) <i>Validity of background check results.</i> The results of a background check conducted pursuant to this rule shall be valid for a period of 30 calendar days from the date the results of the background check are received by the facility. (I, II, III)</p> <p>DESCRIPTION:</p> <p>Based on review of employee files and staff interview, the facility failed to conduct a criminal or dependent adult abuse background check for all staff prior to hire (Staff C). The facility reported a census of 30 residents.</p> <p>Findings include:</p> <p>1. A review of employee files revealed the facility hired Staff C as a Certified Nursing Assistant (CNA) on 10/30/18. The record lacked documentation that</p>			
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	<p>showed the facility had conducted a criminal or dependent adult abuse background check prior to 10/30/18.</p> <p>During an interview on 1/28/19 at 4:14 PM, the facility Administrator confirmed he did not complete a Single Contact License and Background Check prior to hire (10/30/18) for Staff C, and also verified the record lacked any documentation that indicated anyone at the facility had completed the check.</p> <p>During an interview on 1/29/19 at 8:15 AM, the facility Administrator reported he completed a Single Contact License and Background check for Staff C. The form, dated 1/29/19 showed Staff C not found on the Sex Offender, Child Abuse, or Dependent Adult Abuse Registries. However, the form revealed an inconclusive result for the criminal history that documented further research required and directed the facility to await the Department of Criminal Investigation's final response for the criminal history. The form showed there might be multiple individuals with similar search criteria, requiring more research.</p> <p>The Abuse Prevention, Identification, Investigation, and Reporting Policy with a revision date of 12/18/16 instructed for employee screening:</p> <p>1. The facility will conduct an Iowa criminal record check and dependent adult/child abuse registry check on all prospective employees and other individuals</p>			
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	<p>engaged to provide services to residents, prior to hire, in the manner prescribed under 481 Iowa's Administrative Code, 58.11(3). The facility will conduct a criminal record check and dependent adult/child abuse registry check on all current employees and other individuals engaged to provide services to residents who have criminal convictions of founded abuse determinations after hire, or where the facility received credible information that an employee has had a criminal convictions or a founded abuse determination subsequent to hire.</p> <p>FACILITY RESPONSE:</p>			
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