

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

Citation Number: 6930				
		Date: March 21, 2019		
Facility Name: REM Washington		Survey Dates: February 25, 26, and 27, 2019		
Facility Address/City/State/Zip 1307 N. 5 th Ave. Washington, IA 52353				
		LK	81270-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. 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</p> <p>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.</p>			
52.2(a)	<p>481—58.43(135C) Resident abuse prohibited.</p>			

Facility Administrator

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	<p>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> <p>481—52.2(235E) Persons who must report dependent adult abuse and the reporting procedure for those persons.</p> <p>52.2(2) Reporting suspected dependent adult abuse in facilities or programs. 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) 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</p>			
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	<p>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 interviews and record review, the facility failed to ensure staff reported potential abuse according to established policies and procedures. This affected 1 of 1 client (Client #1) during the investigation of incident #81270-I. Findings follow:</p> <p>Record review on 2/25/19 revealed the facility Incident Investigation Overview completed by the Quality Improvement Specialist on 1/2/19. The overview revealed the QIS conducted an investigation from 12/27/18 - 12/28/18 because on 12/23/18 an anonymous staff made a report to the Mentor Network (a national network of health and human service providers) Hotline of potential verbal abuse. The staff witnessed the Lead Direct Support Professional (LDSP) yelling at Client #1 in an abusive tone. The QIS noted the facility did not receive a report from the Hotline about the allegation until 12/27/18. The facility reported the incident to the</p>			
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	<p>Department of Inspections and Appeals (DIA) on 12/27/18.</p> <p>Further record review on 2/25/19 revealed the facility Abuse/Neglect Reporting, Investigation and Follow Through Policy/Procedure. According to the document, any employee who observed potential abuse should immediately make a verbal report to the person in charge or the person's designated agent. The procedure listed several staff positions as options for staff to call to report suspected abuse and directed staff if the alleged perpetrator was the person in charge to go to a higher level in the chain of command. The procedure described steps the supervisor receiving the report would take including separating the alleged perpetrator from the alleged victim. The procedure also directed staff to report the allegation of abuse to DIA within 24 hours.</p> <p>Record review on 2/27/19 revealed a Mentor Network report for Misconduct or Inappropriate Behavior. The document noted a call received on 12/23/18 to report an allegation of verbal abuse by LDSP toward Client #1.</p>			
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	<p>When interviewed on 2/25/19 at 1:20 p.m., the Program Supervisor (PS) confirmed she received a text from Direct Support Professional (DSP) C on 12/23/18 regarding the LDSP raising her voice at Client #1. She said she was not on call but responded to DSP C. She recalled the text contained no allegation of abuse so she directed DSA C to write a contact sheet (a form used to document concerns). When the PS returned to work on 12/26/18, she read the contact sheet and met with staff. She recalled she spoke with DSA C on 12/26/18 and told her she needed to report allegations according to the policy because she did not text any information about alleged abuse. She said she discussed the incident with the LDSP on 12/26/18 and the LDSP stated Client #1 ripped off his ostomy bag and she got "frustrated". The PS said she sent the information to her Program Director (PD) and on 12/27/18; she received direction from the PD to suspend the LDSP. She noted the LDSP was on call at the time of the incident, but DSP C could have called the back-up on-call person. The PS referred to the facility abuse policy/procedure and noted the directive to contact the next level of</p>			
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	<p>command in the chain. She acknowledged the policy directs staff to make a verbal report and said DSP C failed to follow the procedure by texting instead of making a verbal report and by not following the chain of command to make a report.</p> <p>Record review on 2/26/19 revealed a Contact Sheet signed by DSA C on 12/26/18. DSA C documented the LDSP "yelled at the top of her lungs" at Client #1.</p> <p>When interviewed on 2/25/18 at 2:12 p.m., DSP A recalled the LDSP yelled at Client #1 on 12/23/18. She recalled discussing the incident with DSP C after the LDSP left. DSP A said DSP C called the Mentor Network hotline number. She confirmed she worked with the LDSP 12/24/18 and 12/25/18 after DSP C made the report.</p> <p>When interviewed on 2/25/18 at 3:05 p.m., the LDSP confirmed she worked on 12/23/18 and recalled Client #1 ripped his ostomy bag off and she gave him a shower. She recalled she left work and returned the next day and worked until 12/27/18 when the PS escorted her off the property. The LDSP confirmed she raised her voice at Client #1 on 12/23/18</p>			
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	<p>due to being frustrated.</p> <p>When interviewed on 2/26/19 at 1:55 p.m., DSP C confirmed she sent a text to the PS on 12/23/18 to express concern about the LDSP's behavior. She further confirmed she made a call to report the LDSP for verbal abuse. She stated the LDSP yelled at the top of her lungs and asked Client #1 what was wrong with him. DSA C said she discussed the behavior with DSA A and decided to report the LDSP. She noted the LDSP was the on call and she identified the back-up on call staff. DSP C acknowledged she failed to call the back-up on call. She further acknowledged that she texted the PS but did not allege any kind of abuse in the text. DSA C could not recall what number she called or whom she spoke to when she made the call. She confirmed she worked with the LDSP on 12/24/18 - 12/26/18 following the report she made to the hotline on 12/23/18.</p> <p>When interviewed on 2/26/18 at 12:50 p.m., the QIS confirmed she concluded something inappropriate occurred between the LDSP and Client #1 on 12/23/18. She said during her investigation, DSA C identified herself as</p>				
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	<p>the anonymous staff that made a report to the Mentor Network hotline. She said the purpose of the hotline is to assist employees with issues related to their employment, or to report Medicaid fraud. She noted DSA C thought she called the Department of Inspections and Appeals (DIA) abuse reporting hotline but she called the wrong number. The QIS said the facility did not know about the allegation of abuse until 12/27/18 when her supervisor received a report from the Mentor Network. She acknowledged making a report to DIA on 12/27/18.</p> <p>In summary, DSP C witnessed potential abuse and failed to follow the facility policy to verbally report suspected abuse. She failed to notify a staff person at the facility and called the Mentor Network. The failure to follow the policy resulted in a delay in separation of the victim from the alleged perpetrator and a delay in reporting the allegation to DIA.</p> <p>FACILITY RESPONSE:</p>			
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