

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

Citation Number: 6980					Date: May 24, 2019
Facility Name: Imagine the Possibilities-Diamond Place		Survey Dates May 2, 6, 7, 8, 2019			
Facility Address/City/State/Zip 1208 S. 11th St. Oskaloosa, IA 52577					
		LK	#82606-C		
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date	

64.60	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.	II	\$500.00	Upon Receipt
W153	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).			
58.43(9)	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.			
52.2(a)	481—58.43(135C) Resident abuse prohibited.			

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 immediately report all allegations of abuse to the appropriate state agency, the Department of Inspections and Appeals (DIA). This affected 1 sample client identified during the investigation of #82606-C (Client #9). Finding follows:</p> <p>When interviewed on 5/02/19 at 1:35 p.m. the Complainant said he/she had seen pictures and video of Client #9 posted on Facebook and Snapchat by Direct Support Professional (DSP) A. The Complainant said this occurred in January and/or February of this year. The Complainant said he/she reported the concern to the Department of Human Services (DHS), but later got a call from a representative from DIA asking about the incident. The Complainant said he/she did not take screen shots or have the posted pictures or videos at this time. The Complainant said he/she showed the</p>			
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	<p>Facebook post to facility Supervisor A. The Complainant stated DSP A was also mean to Client #9 by making him go to his room for long periods of time and calling him names, such as "moron" and "retard." The Complainant said this mistreatment occurred from approximately November 2018 through early February 2019. He/she said he/she reported it to facility management staff.</p> <p>During a follow up interview on 5/07/19 at 12:35 p.m., the Complainant said the pictures and videos posted of Client #9 showed the client being loud and yelling as DSP A "egged on" the client. The complainant said DSP A posted these types of videos many times; over 20 times. The Complainant said DSP A's co-workers might deny knowing of the videos because they were all her friends. The Complainant said she showed one of the posted videos to Supervisor A. It was a video of Client #9 riding an exercise bike.</p> <p>Record review on 5/07/19 revealed Client #9 is 48 years old, with a diagnosis including Moderate Intellectual Disability, Prader Willi Syndrome, Bipolar Disorder and Explosive Personality. Client #9 had functional communication skills. He had behavior</p>			
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	<p>programs in place to address target behaviors of yelling, arguing, aggression and elopement.</p> <p>When interviewed on 5/02/19 at 8:50 a.m. the Regional Associate Director (RAD) said she didn't know of any concerns/reports of DSP A mistreating Client #9. She recalled the facility had done an internal investigation in February or March of a report that DSP A posted things on social media, but the facility was unable to substantiate the concerns. The RAD stated there had been personnel conflicts between DSP A and a former employee, who had complained about DSP A. The RAD said the former RAD had done the facility investigation and the current RAD said she would try to locate the investigation. The facility separated DSP A from Client #9 as of 5/02/19, when they learned of the allegation of mistreatment from the surveyor.</p> <p>On 5/06/19, the RAD provided the surveyor with copies of emails sent back and forth between the current RAD and the Director of Human Resources (HR Director) dated 3/18/19, referring to an Exit Survey completed by former staff, DSP B, on 3/05/19. The Exit Survey had a question</p>			
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	<p>asking if the employee had every witnessed any conduct by an employee that that could be considered illegal or unethical. DSP B wrote, "People taking pics and videos of (Client #9) making fun of them." DSP B also indicated she felt unsafe and threatened at work due to another employee. In an email dated 3/18/19, the HR Director questioned the RAD about DSP B's responses on the Exit Survey. Regarding the allegation of videos, the RAD wrote the incident had happened "several months ago" and the facility had investigated. According to the email written by the RAD, the former RAD and the local HR Coordinator met with DSP A, looked through her phone for videos and found no evidence of anything regarding facility clients. The facility also questioned other staff and no one else reported seeing the pictures or videos. The RAD also addressed a couple other personnel issues involving DSP B. The HR Director responded by email and wrote, "HR does have the investigation notes on file for the mentioned concerns. No further follow up needed for HR."</p> <p>The facility also provided an agency HIPAA (Health Insurance Portability and</p>			
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	<p>Accountability Act) and Compliance Log, which listed an entry for 2/22/19. According to the 2/22/19 entry, there had been a "Snap chat complaint- phone usage during shift." The outcome had been staff discussion and staff retraining. The entry indicated no investigation was needed.</p> <p>FACILITY RESPONSE:</p>			
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