

Iowa Department of Inspections and Appeals
Health Facilities Division
Citation

Citation Number: 7001		Date: July 9, 2019		
Facility Name: Accordius Health at St. Mary		Survey Dates: May 13 – June 5, 2019		
Facility Address/City/State/Zip: 800 Rusholme Street Davenport, IA 52803				
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date
58.9(3)	<p>481—50.9(135C) Criminal, dependent adult abuse, and child abuse record checks.</p> <p>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.</p> <p>b. Conducting a background check. The facility may access the single contact repository (SING) 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>c. If a person being considered for employment has been convicted of a crime. If a person being considered for employment in a facility has been convicted of a crime under a law of any state, the department of public safety shall notify the facility that upon the request of the facility the department of human services will perform an evaluation to determine whether the crime warrants prohibition of the person's employment in the facility. (I, II, III)</p>	II	\$500	UPON RECEIPT

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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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135C	<p>135C.33 Employees and certified nurse aide trainees — child or dependent adult abuse information and criminal record checks — evaluations — application to other providers — penalty.</p> <p>1 b. 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.</p> <p>2. a. If it is determined that a person being considered for employment in a facility has been convicted of a crime under a law of any state, the department of public safety shall notify the licensee that upon the request of the licensee the department of human services will perform an evaluation to determine whether the crime warrants prohibition of the person's employment in the facility.</p> <p>481—58.11(135C) Personnel.</p> <p>58.11(3) Employee criminal record checks, child abuse checks and dependent adult abuse checks</p>			

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58.11(3)	<p><i>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)</i> [ARC 0903C, IAB 8/7/13, effective 9/11/13]</p> <p>DESCRIPTION: Based on record review and staff interviews, the facility failed to follow regulations and procedures that would have prevented or delayed employment of individuals with known criminal histories for 2 of 9 personnel files reviewed. The facility reported a census of 53 residents. Findings include: 1. The facility's self-reported incident described notification on 3/22/19 by the Iowa Department of Human Services (DHS) that an employee (Staff A) with a criminal record who worked at the facility was not authorized by DHS to work in a long-term care facility. A SING check (Single Contact License & Background Check) completed 2/14/19 revealed</p>			

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	<p>further research required to clear a criminal record for Staff A, hired as a dietary aide (DA) on 2/21/19. An Iowa Department of Criminal Investigation (DCI) report faxed to the facility on 2/20/19 revealed Staff A had felony convictions and required authorization by DHS to work. The DHS authorization form, faxed to the facility on 3/19/19, revealed Staff A not authorized to work. Payroll records revealed Staff A worked on 20 different days between 2/21/19 and 3/19/19 and logged 154.65 hours.</p> <p>During an interview 5/15/19 at 8:42 a.m., staff at DHS confirmed the facility faxed the request for Staff A's review on 2/26/19, the form returned to the facility with request for additional information. The facility faxed the information to DHS on 2/28/19, the form returned to the facility with request for additional information. The facility faxed the requested information to DHS on 3/15/19, it was reviewed and determination on 3/19/19 that the employee could not work based on his extensive criminal record.</p> <p>2. Personnel files reviewed on 5/14/19 revealed Staff B, certified nursing assistant (CNA), hired on 2/21/19, had a SING check completed 2/19/19 that revealed further research required to clear a criminal record. The DCI report faxed to the facility on 2/19/19 revealed a criminal history that was not cleared by DHS. The facility faxed the request for authorization to DHS on 5/20/19, returned via fax on 5/23/19 with authorization to work by DHS.</p>			

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	<p>During an interview on 5/14/19 at 4:08 p.m., the administrator stated he was not aware that Staff B did not have DHS authorization to work, would check into the matter and would take the employee off the schedule. On 5/29/19 at 9:10 a.m., the administrator stated Staff B was allowed to return to work after the DHS authorization was received.</p> <p>The facility's Background Screening Investigations policy, dated as revised November, 2015, directed:</p> <ol style="list-style-type: none"> 1. If the background investigation indicated the individual had been convicted of abuse, neglect, mistreatment of individuals, or theft of property, the applicant will not be employed and will be terminated from employment. 2. Information discovered through the course of the background investigation that indicated the applicant did not meet employment eligibility criteria would be provided to the individual's appropriate licensing board. <p>RESPONSE:</p>			