

Iowa Department of Inspections and Appeals
Health Facilities Division
Citation

Citation Number: 8008		Date: February 14, 2020		
Facility Name: Tanager Place		Survey Dates: November 7-December 19, 2019		
Facility Address/City/State/Zip				
2309 C Street SW Cedar Rapids, IA 52404	MW			
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date

64.60	<p>64.60 (135C) Federal regulations adopted—conditions of participation. Regulations in 42 CFR Part 483, Subpart D, 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 provisions in 481—Chapter 56, “Fining and Citations,” to enforce a fine to cite a facility.</p> <p>This rule is intended to implement Iowa Code section 135C.2(3).</p>	I	\$5000	UPON RECEIPT
W149	The facility must develop and implement written policies and procedures that prohibit mistreatment, neglect or abuse of the client.			
W158	The facility must ensure that specific facility staffing requirements are met.			
W122	The facility must ensure that specific client protections requirements are met.			

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	<p>DESCRIPTION:</p> <p>Based on interviews and record review, the facility failed to implement facility policies, as written, as evidenced by failure to complete 24-hour follow-up following incidents of peer-to-peer aggression, failure to identify injuries following incidents of peer-to-peer aggression, and failure to complete Critical Incident Reports (CIRs) per facility policy. Additionally, the facility failed to implement policies regarding abuse and mandatory reporting; as evidenced by, failure to consistently report all allegations of abuse immediately to the Administrator (or designee) and the appropriate state agency, failure to ensure nurses examinations were completed after allegations were reported, failure to complete the CIR in accordance with facility policies, and failure to consistently take action to ensure the safety of the child following allegations of abuse. This affected 10 of 10 clients (Client #1, #3, #5, #10, #11, #12, #13, #14, #15, and #16) identified during the investigation of #86444-I, #87056-I, #87325-I, #87406-I, and 1 former client (Client #19). Findings follow:</p> <p>1. Record review on 11/7/19 revealed the facility peer-to-peer tracking spreadsheet. Review of the spreadsheet revealed the facility failed to ensure</p>			

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	<p>24-hour follow-up for potential injuries had occurred after incidents of peer-to-peer aggression. The facility failed to complete 24-hour follow-up on the following incidents of peer-to-peer aggression:</p> <p>a. On 9/22/19, Client #10 scratched Client #14's left wrist. The facility failed to complete 24-hour follow-up. On 9/27/19, five days after the incident, follow-up was completed and noted a small red mark was still present on Client #14.</p> <p>b. On 9/8/19, Client #16 brought his right fist down onto Client #10's left shoulder causing a red mark and "what appears to be the formation of a bruise." The record lacked 24-hour follow-up but noted on 9/14/19, six days after the incident, "no visible mark, injury, or signs of discomfort observed. 24 hour follow up does not appear to have been completed."</p> <p>c. On 9/26/19, Client #16 bit Client #13 leaving a bite mark. The record lacked 24-hour follow-up. On 9/30/19, four days after the incident, follow-up was completed and no injury was reported.</p> <p>d. On 9/21/19, Client #14 smacked Client #5's left wrist, leaving a red mark. 24-hour follow-up was not completed to determine if any injury occurred. On 9/30/19, nine days after the</p>			

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	<p>incident, follow-up was completed with no visible injury.</p> <p>e. On 9/25/19, Client #14 kicked Client #13 in the face resulting in a cut above the left eyebrow and some redness. Follow-up was completed two days after the incident, on 9/27/19, and noted no pain or injury.</p> <p>f. On 9/29/19, Client #12 hit Client #10 in the face. The facility failed to complete 24-hour follow-up on Client #10. On 10/6/19, seven days following the incident, Client #10 was assessed and noted his lip was swollen and there was a cut on the bottom lip.</p> <p>g. On 9/29/19, Client #10 bit Client #12 on his hand. The 24-hour follow-up noted Client #12 had a scratch on the left side of his neck and red marks on both sides of his neck. The follow-up lacked any information regarding if an injury occurred on Client #12's hand.</p> <p>Record review revealed the facility policy "ICFID Peer to Peer Reporting Guidelines", undated. The guidelines instructed, "Direct care staff working the following shift will complete the required 24 hour follow up of possible or sustained injury and document in the shift change over communication." Additionally, the guidelines</p>			

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<p>instructed the QIDP would input the information into a spreadsheet during the next business day and complete necessary follow up which would include ensuring 24-hour accident/injury follow-up was completed.</p> <p>2. Continued record review of the facility peer-to-peer tracking spreadsheet revealed the facility failed to follow the policy regarding identification of an injury therefore failed to accurately reflect the number of injuries caused by the same aggressor. The peer-to-peer tracking spreadsheet revealed the following:</p> <p>a. On 9/6/19, Client #10 caused a scratch on the anterior side at the base of Client #13's neck. The 24-hour follow-up noted the scratch remained on Client #13's neck. The documented noted "N/A" for number of injuries by the aggressor.</p> <p>b. On 9/22/19, Client #10 scratched Client #14's left wrist. The facility failed to complete 24-hour follow-up but noted on 9/27/19 a small red mark was still present on Client #14. The number of injuries by aggressor noted "(Client #10) - NA due to amended reporting policy. Red mark present after 24 hours does not necessarily qualify. No lingering pain, no medical attention required."</p>				

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<p>c. On 9/28/19, Client #10 scratched Client #14 on the right side of his neck. The 24-hour follow-up noted the scratch was still visible. The number of injuries by aggressor noted "(Client #10) - NA due to amended reporting policy. Red mark present after 24 hours does not necessarily qualify. No lingering pain, no medical attention required."</p> <p>d. On 9/28/19, Client #10 scratched Client #14's left arm. The 24-hour follow-up noted the scratch on Client #14 was still visible. The number of injuries by aggressor noted "(Client #10) - NA due to amended reporting policy. Red mark present after 24 hours does not necessarily qualify. No lingering pain, no medical attention required."</p> <p>e. On 9/28/19, Client #10 and Client #12 were roughhousing and began to choke one another; Client #12 obtained a scratch on his neck. The 24-hour follow-up revealed the scratch was still present. The number of injuries by aggressor noted "(Client #10) - NA due to amended reporting policy. Red mark present after 24 hours does not necessarily qualify. No first aid or medical attention required."</p> <p>f. On 9/28/19, Client #12 attacked Client #16 by punching him in the face and kicking him. Client #10, Client #5, and Client #14 also started to hit Client #16 in the face and kick him in his private</p>				

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<p>parts; Client #5 hit Client #16 in the face with her lanyard. The 24-hour follow-up noted Client #16's lip was no longer bleeding but was cut and red. The number of injuries by aggressor noted "(Client #12) - NA due to amended reporting policy. Following consult with (Director of Inpatient Services (DIS)) and (Qualified Intellectual Disabilities Professional (QIDP) B), this does not meet criteria as injury did not result in outside medication attention." The facility failed to include Client #5, Client #10, or Client #14 may have caused Client #16's cut lip.</p> <p>g. On 9/29/19, Client #10 bit Client #12 on his hand. The 24-hour follow-up noted Client #12 had a scratch on the left side of his neck and red marks on both sides of his neck. The follow-up lacked any information regarding if an injury occurred on Client #12's hand. The number of injuries by aggressor noted "(Client #10) - NA due to amended reporting policy. Red mark present after 24 hours does not necessarily qualify. No first aid or medication attention required."</p> <p>h. On 9/29/19, Client #12 hit Client #10 in the face. 24-hour follow-up was not completed but noted on 10/6/19 Client #10 was assessed and his lip was swollen and there was a cut on the bottom lip. The injuries by aggressor noted "(Client #12) - NA due to amended reporting</p>				

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	<p>policy. Following consult with the (DIS) and (QIDP) B, this does not meet criteria as injury did not result in outside medication attention."</p> <p>i. On 10/3/19, Client #12 punched Client #10 in the face. The initial injury noted Client #10's entire face was swollen and had a red mark covering most of the left side of his face. The 24-hour follow-up noted Client #10 had bruising around his eye. The injuries by aggressor noted "(Client #12) - NA due to amended reporting policy. Following consult with the (DIS) and (QIDP B), this does not meet criteria as injury did not result in outside medical attention."</p> <p>j. On 10/5/19, Client #12 punched Client #10 in the face. The 24-hour follow-up revealed Client #10's lip was swollen and there was a cut on the bottom lip. The injuries by aggressor noted "(Client #12) - NA due to amended reporting policy. Following consult with the (DIS) and (QIDP B), this does not meet criteria as injury did not result in outside medical attention."</p> <p>k. On 10/6/19, Client #12 punched Client #13 on the left side of his mouth. The 24-hour follow-up noted Client #13 had a small cut which appeared to be healing. The injuries by aggressor noted "(Client #12) - NA. Consult re: this incident meeting criteria for possible self-report has been</p>			

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	<p>completed by (QIDP B) to (DIS). Resulting injury is minor: (Client #12) continues to have significant adjustments and modifications to his programming to aid in stabilization. His IDT continues to meet regularly to explore his ongoing appropriateness for this program."</p> <p>I. On 10/13/19, Client #12 punched Client #13 in the mouth. The 24-hour follow-up noted Client #13 had a small cut on his bottom lip. The injuries by aggressor noted "(Client #12) - resulting injury is minor; (Client #12) continues to have significant adjustments and modifications to aid in stabilization. His IDT continues to meet regularly to explore his ongoing appropriateness for this program."</p> <p>m. On 10/28/19, Client #16 punched Client #15 in the face. The 24-hour follow-up noted Client #15 had a small scratch on the right side of his forearm. The number of injuries by aggressor noted "NA- due to amended reporting policy. Injury is not significant and did not result in outside medical attention needed."</p> <p>n. On 11/2/19, Client #12 punched Client #14 on the left eye. The 24-hour follow-up noted Client #14 had a bruise on his eye. The injuries by aggressor noted "A consumer to consumer narrative was not initially completed for this</p>			

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	<p>incident. However, an (Accident Injury Reporting Form (AI)) was. This was given to DIA on-site on 11/12/19. Determined peer involvement on 11/17/19. At this time, this would not have been reported per our interpretation of peer to peer policy. However, following our amendment on 11/13/19, this would now meet criteria to report."</p> <p>Review of the "ICFID Peer to Peer Reporting Guidelines", undated, instructed the QIDP to input the peer-to-peer aggression onto the spreadsheet including the number of incidents the aggressor had initiated resulting in injury within a 30-day period. The guidelines included "For the purposes of this reporting guideline, injury is described as significant and could include abrasion, cut, bite, or bruise lasting longer than 24 hours requiring a healing process. For the purposes of this reporting guideline, lingering pain, soreness, or red marks may not meet criteria for "injury"; these will be assessed on an individual basis and will continue to be monitored via the aforementioned process."</p> <p>When interviewed on 11/12/19 at 10:30 a.m., Qualified Intellectual Disabilities Professional (QIDP) B stated from her understanding, the facility revised the policy regarding peer-to-peer aggression and how injury was defined to allow for the facility to determine if something would be</p>			

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<p>considered an injury or not. She said cuts, bruises, abrasions, ect. were all examples of what an injury may be. QIDP B acknowledged the policy did not note outside medical attention was required to be considered an injury and acknowledged scratches and bruises, for example, would appear to be an injury.</p> <p>When interviewed on 11/14/19 at 9:30 a.m., the Director of Inpatient Services (DIS) explained the facility assessed and determined injuries from peer-to-peer aggression on an individual basis. When asked about bruising by the eye and cut lips being an injury for example, the DIS stated it would depend on the severity of the bruise and again stated they assessed clients individually to determine if it was an injury. The DIS acknowledged the facility policy definition of an injury did not include the client would require outside medical treatment to be considered an injury.</p> <p>3. Review of Critical Incident Reports (CIRs) revealed the following:</p> <p>a. A CIR, dated 9/27/19, was completed after Client #3 hit Client #1 multiple times in the head with metal serving spoons. The CIR noted Client #3 was in an escalated state, grabbed two metal serving spoons, and attempted to hit another</p>				

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	<p>client with them. The peer ran and hid behind Client #1. Client #3 attempted to hit the peer but hit Client #1 several times instead. The CIR failed to identify whom the assigned/responsible staff was and failed to include statements from all individuals involved or who witnessed the incident.</p> <p>b. A CIR, dated 9/29/19, was completed after Client #10 told Youth Services Worker (YSW) F Client #12 had touched his private area, and tried to kiss him. The CIR noted on 9/28/19, Client #12 returned from a day pass and gave Client #10 a hug. Client #10 kissed Client #12 on the cheek, and Client #12 had attempted to kiss Client #10 back when staff intervened. The CIR noted "Program manager reviewed incident with staff on shift." And noted an interview with YSW F regarding the allegation and YSW D was interviewed regarding the incident on 9/28/19. The CIR failed to identify if any additional staff or clients were interviewed to determine if anyone had witnessed the alleged incident reported by Client #10.</p> <p>c. A CIR, dated 9/30/19, was completed after Client #12 reported to staff Client #10 had touched his private area. The CIR noted, "Narrative from staff on shift Monday, the date (Client #12) made this allegation." The narrative</p>			

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	<p>completed a statement from YSW F which included she was not present in the cottage when the situation occurred, she had been outside supervising other clients. YSW G and YSW J's names were listed but the CIR lacked any statements taken from them. The CIR failed to include statements from all staff who worked and failed to identify who the assigned/responsible staff was.</p> <p>d. A CIR, dated 10/6/19, was completed after Client #14 alleged Client #12 attempted to touch his private area while in the family room. The CIR noted the Program Manager had followed-up with staff that worked but failed to identify who was interviewed, noting "Staff One" and "Staff Two". The CIR failed to identify who the assigned/responsible staff was.</p> <p>e. A CIR, dated 11/22/19, was completed after Client #16 had aggressed toward Client #10 on 11/19/19 and 11/20/19. The CIR failed to identify the assigned/responsible staff and failed to include statements from anyone involved or witnessed the incidents.</p> <p>Review of facility policies revealed "Risk Management", last revised 11/2019. The policy instructed the CIR was to be completed and submitted by the involved staff, statements and</p>			

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	<p>information was to be gathered from individuals involved or who witnessed the incident, and the CIR was to include the assigned/responsible staff.</p> <p>Additional review revealed the "ICF/ID Special Treatment Procedures", last revised 5/30/12. The procedures instructed "Allegations of consumer mistreatment, neglect or abuse and injuries of unknown origin will be investigated immediately ...".</p> <p>When interviewed on 11/19/19 and 9:45 a.m., Qualified Intellectual Disabilities Professional (QIDP) A explained to complete a CIR, they would obtain some verbal statements from staff, take information from the completed Accident Injury Report, and sometimes staff would e-mail information regarding an incident. QIDP A acknowledged the facility had not been following the Risk Management policy, in its entirety, regarding proper completion of CIRs by failure to identify who was interviewed, not documenting who the assigned/responsible staff was, and not interviewing any additional staff or clients who may have witnessed an incident.</p> <p>When interviewed on 11/19/19 at 12:05 p.m., QIDP B explained several people completed CIRs as a collaborative effort. QIDP B explained the staff and/or Shift Lead normally initiated a CIR,</p>			

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	<p>the Program Manager was to complete all follow-up with staff; the QIDP would review the client plans, supervision, and follow-up with the clients involved, and the DIS would complete administrative review of the CIR once completed. QIDP B stated the staff who reported an incident was interviewed but not all staff who worked at the time was interviewed. QIDP B said the facility was able to take a verbal or written statement from staff for the CIR and said the DIS had instructed the former Program Manager to summarize staff statements in the CIR. QIDP B said the facility did not interview other clients who may have witnessed an incident but did follow-up with all clients involved. QIDP B confirmed the facility had not followed the Risk Management policy, as written, regarding the completion of the CIR. She stated as a system, the facility needed to get everyone on the same page to ensure everyone completed the CIRs in the same manner.</p> <p>4. The facility failed to consistently follow policies and procedures regarding reporting allegations of client abuse and neglect, completing internal investigations, ensuring separation between the victim and alleged perpetrator, and ensuring nursing assessments for injuries. Review of facility allegations of abuse, dated 4/26/19 - 12/12/19, revealed the following:</p>			

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	<p>a. A CIR, dated 4/26/19, was initiated after former Client #19 reported to a staff, following an escalation, that another staff had taken her hand and bent it backwards "breaking her hand". Staff reported her hand was swollen and offered her ice. Staff noted, "Staff asked (Client #19) again what had happened and changed her story saying that staff broke her finger." On 4/17/19 Client #19 was taken to Urgent Care and it was determined her hand was bruise and not broken. The CIR lacked a statement from the alleged perpetrator, lacked a summary or Administrative review following the completion of the CIR, and lacked documentation the allegation was reported to the Department of Human Services (DHS).</p> <p>b. A CIR was initiated on 6/7/19 after Qualified Intellectual Disabilities Professional (QIDP) A received an e-mail from Client #3's mother who reported Client #3 told her staff had placed him in a headlock, pushed him against the wall, and also made a comment referring to him as "Daffy Duck". The CIR failed to note if a nursing assessment was completed or if Client #3 sustained any marks or injuries, and failed to include documentation regarding if the facility reported the allegation to the DHS.</p>			

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	<p>c. A CIR was initiated on 8/9/19 after Client #3 reported to Shift Lead (SL) A that during a restraint the staff had raped him then immediately clarified and said the staff had assaulted him by pushing him into a wall and his breathing was restricted. The CIR lacked an assessment for potential injuries, a summary of the facility findings, or documentation the allegation was reported to the DHS.</p> <p>d. A CIR was initiated on 8/20/19 after staff reported they witnessed another staff hit Client #11 on the back of the head instead of using a bite release technique when Client #3 bit the staff on the stomach on 8/19/19. The facility staff failed to report the allegation to the Administrative Team until 8/21/19, the day after the incident occurred. The CIR lacked a statement from the alleged perpetrator, lacked a summary of the facilities findings, and failed to include documentation the allegation was reported to the Iowa Department of Inspections and Appeals (DIA).</p> <p>When interviewed on 12/10/19 at 1:45 p.m., the DIS confirmed staff failed to report the allegation immediately. She confirmed the CIR failed to include notification to the DIA and stated it must have been an oversight.</p>			

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Iowa Department of Inspections and Appeals
Health Facilities Division
Citation

Citation Number: 8008		Date: February 14, 2020		
Facility Name: Tanager Place		Survey Dates: November 7-December 19, 2019		
Facility Address/City/State/Zip 2309 C Street SW Cedar Rapids, IA 52404	MW			
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date
	<p>e. A CIR, dated 9/21/19, after former Client #19 reported to the nurse, while being assessed on 9/18/19, staff had bent her hand back and caused her to scrape her elbow, and the staff hurt her left shoulder by pushing her to the ground during an escalation. The CIR noted on 9/20/19, nursing assessed Client #19 again and noted she verbalized pain in her left shoulder/arm, had a bruise on her left wrist presenting with minor swelling with a hardened area on palpation, and decreased range of motion. Client #19 informed the nurse she was telling school personnel and reporting the incident to the DHS. The CIR noted "Since (Client #19) did not make an allegation of abuse to us, and because she self-reported to us that she told school, this did not meet criteria for us to also report to DHS." The facility failed to ensure separation between the alleged perpetrator and Client #19. The CIR lacked any witness statements from the incident, and failed to provide a summary of the facility findings, noting the facility had not received any findings from the DHS investigation. The facility failed to report the allegation to the DIA until 9/20/19, two days after the allegation was made.</p> <p>When interviewed on 12/10/19 at 1:45 p.m. the DIS said she was not sure why the allegation was not reported to the DIA until two days later.</p>			

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	<p>f. A CIR, dated 10/14/19, was completed after Client #12 alleged a staff had pushed him, pushed him into a wall, hit him, and restrained him against a wall/corner during an escalation when Client #12 was being physically aggressive. The CIR lacked an assessment for injuries. The facility failed to separate the alleged perpetrator from Client #12. The facility informed Client #12's DHS caseworker but failed to report the allegation to the DHS abuse intake.</p> <p>g. A CIR, dated 10/18/19, after Client #12 reported staff had sworn at him, flicked him off, and hit the back of his head the previous night while he was in an escalation. The CIR failed to note if any assessment was completed for potential injuries or marks and failed to include a summary of the facilities findings. The facility failed to separate the alleged perpetrator from Client #12. The facility notified Client #12's DHS caseworker but failed to report the allegation to the DHS abuse intake.</p> <p>h. A CIR, dated 10/24/19, after Client #12 reported staff pushed him during an escort. The CIR noted Client #12 had no injuries. The facility failed to separate the alleged perpetrator from Client #12. The facility informed Client #12's DHS</p>			

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	<p>caseworker but failed to report the allegation to the DHS abuse intake.</p> <p>i. A CIR, dated 10/24/19, after Client #12 reported staff had thrown him aggressively onto his bed but was unable to recall the time or day it occurred. Client #12 had no visible injuries. The CIR noted the facility reviewed the incident with one staff in the cottage but failed to interview or obtain statements from any other staff to attempt to determine if or when the alleged incident occurred. The CIR noted, "Because (Client #12) regularly engages in physical aggression (near-daily), narrowing down a potential day/time of the alleged incident is challenging." Additionally, the Administrative Review section noted, "At this time, there does not appear to be any evidence of wrong doing on staff's part ... ". The facility notified the DHS caseworker but failed to report the allegation to the DHS abuse intake.</p> <p>j. A CIR, dated 10/28/19, after Client #12 reported staff deliberately hurt him during an escort. Following the escalation while processing with staff, Client #12 continued to say staff had abused him and reported staff hit his face and broke his finger. Nursing assessed Client #12 on 10/29/19 and noted Client #12 reported soreness in his hand and there was some redness visible but had no swelling, bruising, or marks.</p>			

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	<p>Administrative review noted additional staff members, including the LP, witnessed the incident. The CIR included consult occurred with the staff involved in the alleged incident but failed to include any staff statements regarding the incident noting, " Program staff appropriately documented and reported (Client #12's) allegation to the QIDP. Staff reported that teaching and behavioral interventions were offered to (Client #12) appropriately and per his individualized program plan and MANDT training, to ensure the safety of others. Hand-on interventions were offered safely and appropriately. At this time, this alleged incident does not appear to have occurred." The CIR included a statement from the LP, who was present for a therapeutic hold. The facility failed to separate the alleged perpetrator from contact with Client #12. The facility reported the allegation to Client #12's DHS caseworker but failed to report the allegation to the DHS abuse intake.</p> <p>k. A CIR, dated 11/4/19, was initiated after staff reported during an escalation on 11/3/19 at approximately 8:30 a.m., another staff got within inches of Client #16's face, grabbed Client #16's clothing, and pushed Client #16 into the wall aggressively multiple times causing Client #16's head to hit the wall. Staff noted several of Client #16's acne sores opened and began to bleed,</p>			

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	<p>and Client #16 was very upset, crying, and sobbing. Staff reported the incident to Shift Lead (SL) A, who provided Client #16 first aid, offered him an ice pack, and provided support to return to baseline. The CIR failed to include a completed nursing assessment for potential injuries following the incident. Staff and SL A failed to immediately report the incident to the Administrative team. The CIR noted staff e-mailed Qualified Intellectual Disabilities Professional (QIDP) B about the incident on 11/3/19 at 9:00 p.m., over 12 hours after the incident occurred. The Director of inpatient Services (DIS) and the Inpatient Clinical Supervisor (ICS) were notified of the allegation on 11/4/19 at approximately 1:00 p.m., over 24 hours after the incident occurred. The CIR noted QIDP B spoke to the staff that witnessed the incident and SL A but failed to include either statement on the CIR. The CIR lacked an interview from the alleged perpetrator and lacked a summary of the facility findings.</p> <p>I. When interviewed on 11/13/19 at 11:15 a.m., Shift Lead (SL) A reported one day, she could not recall the exact date, Youth Services Worker (YSW) M was in Client #12's face yelling and called Client #12 names while Client #12 was in an escalation. She said YSW M yelled at Client #12 "I'm sick of this shit" and called Client #12 an "idiot". She stated YSW M was in Client #12's</p>			

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<p>face yelling at him, to the point Client #12 said YSW M was spitting on him. SL A said she told YSW M several times to back away but he did not. SL A said had not reported the incident to the Administrative team. The Surveyors instructed SL A to follow the facility policy and to report the allegation immediately.</p> <p>When interviewed on 11/14/19 at 9:30 a.m., the Director of Inpatient Services (DIS) reported she was not aware of the allegation and SL A had not reported the incident. The DIS stated she would follow-up on the allegation.</p> <p>The record lacked a completed CIR into the allegation.</p> <p>When interviewed on 12/10/19 at 1:45 p.m., the DIS confirmed the facility had not completed a CIR for the allegation. She stated the facility had spoken to both SL A and YSW M about the alleged incident but did not feel the need to complete the investigation since YSW M's employment was terminated.</p> <p>Review of facility policies revealed the "Child Abuse and Mandatory Reporting", undated, instructed "Any staff person suspecting child abuse of a consumer may have occurred is required to make a report to their immediate</p>				

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	<p>supervisor and appropriate administrative staff. Make a report for internal investigation does not release the mandatory reporter from their mandated responsibility to make a report to the Department of Human Services, if the individual reporting "reasonably believes a child has suffered abuse." The section titled "Conducting a child abuse investigation" instructed investigative staff needed to gather sufficient information to enable them to determine if a situation warrants a referral to DHS and establish there is reason to believe abuse occurred. The policy noted child abuse investigations may include, but was not limited to: a nurse's examination of consumer injuries, statements from the alleged victim by having the victim either write or dictate specifics relating to the incident, statements from the alleged perpetrator, other staff/adults who were present, and from other clients if appropriate. It also included "Action to ensure the safety of the child, either through limiting contact, placing the alleged perpetrator on leave status per operating procedures, or reassignment of the alleged perpetrator."</p> <p>Additional review revealed guidelines for staff to refer to titled "Child Abuse Report", undated. The guidelines instructed "If a client makes a statement that indicates that they were abused or neglected" staff were not to ask leading questions</p>			

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	<p>but get the basic information of who and when. The guidelines then instructed staff to call and report the allegation to Linn County DHS and provided the phone number; if no answer, staff were to call the Iowa Child Abuse Hotline and provided the phone number. The paper continued to instruct staff to complete the Report of Suspected Child Abuse form, fax it to DHS, and send the completed form to the Director of Residential Services.</p> <p>Continued record review revealed the policy "Risk Management", last revised 11/2019. The policy instructed a CIR was to be completed and submitted by staff involved, statements and information was to be obtained from others involved in or who witnessed an incident, and the required reporting actions were to be documented. The policy noted the administrative review was to identify possible causes of a problem and to determine approaches to minimize or eliminate the reoccurrence.</p> <p>Additionally, the policy section titled "Reporting Requirements" instructed staff were responsible for immediately notifying the Administrative Team in the event of child abuse by agency personnel. The policy noted the Compliance officer, or designee, was responsible for ensuring timely notification to the appropriate regulatory/consumer organization.</p>			

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	When interviewed on 12/11/19 at approximately 11:00 a.m., QIDP B reported the facility completed two self-reports to the DIA on 12/10/19 and she was in the process of completing the CIR's for both allegations. QIDP B explained Client #14's mom reported Client #14 said staff broke his headphones, grabbed his arm, and held him against his will. She reported this occurred toward the end of last week or over the weekend. QIDP B said the second incident reported to DIA was after Client #15 reported during an escalation staff shoved and chucked him into the vent room. QIDP B confirmed neither allegation was reported to the DHS abuse intake and said the facility was still completing the internal investigation of the incidents. QIDP B explained not all allegations of abuse were reported to the DHS. She said the guidance used to determine if an allegation of abuse needed reported to the DHS included if there was a mark or an injury, if the client was scared, and if it was an escalation. When asked, QIDP B stated the facility had not separated the accused staff from contact with Client #14 or Client #15. QIDP B explained she was not aware after any allegation of client abuse or neglect, the accused staff should not have contact with the victim during the investigation. She stated the facility sometimes separated the accused staff but she said she was not sure of when or why to			

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	<p>separate the accused staff from the victim. QIDP B confirmed the facility abuse policies and procedures were not followed consistently.</p> <p>When interviewed on 12/11/19 at 2:40 p.m., the Inpatient Clinical Supervisor (ICS) said she was not sure why the facility had not consistently reported allegations of abuse. She explained after an allegation of abuse was made, the facility looked at various things to determine if a report needed to be filed with the DHS, which included if the child had been in a restraint, if the child felt safe, and if there was an injury. When asked, the ICS said the facility used the same, or similar, process to determine if the accused staff needed separated from the child. The ICS reviewed the above CIR's and the facility policies. The ICS explained the "Child Abuse Report" guidelines was not the policy and was outdated. The ICS confirmed she provided the Surveyor with the guidelines when the policy was requested and said the guidelines were posted around the campus for staff to use as a guide for when to report allegations of abuse to DHS. The ICS said, after her review of the CIRs, it did not seem like the facility policies were being followed then stated she was not sure of the details since some of the allegations were made prior to her starting at the facility and also because she was still learning.</p>			

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	When interviewed on 12/12/19 at 10:00 a.m., the Chief Operating Officer (COO) said per the Child Mandatory Reporter requirements, the facility was only required to report to DHS if they "reasonably believed" abuse had occurred. The COO stated the "Child Abuse Report" guidelines were outdated when the Surveyor attempted to discuss the differences between the facility policy and the guidelines for staff to follow. The DIS confirmed the "Child Abuse Report" guidelines were posted throughout the campus for staff to follow for allegations of abuse. The COO said the "Child Abuse and Mandatory Reporting" policy instructed nurses to complete an assessment of client injuries and explained if a client did not have an injury the nurse would not need to complete an assessment. When asked how it was determined if a child had sustained an injury or not, the COO stated the staff were trained in basic first aid, know when they should call a nurse, and staff would report any injuries. The COO said the facility policy "Child Abuse and Mandatory Reporting" noted child abuse investigation "may include" but did not instruct every investigations would include the items listed. The COO continued to explain, the facility completed CIRs for all allegations of abuse, noted on the CIR "Program Staff 1, 2, etc." to identify staff interviewed, and reported all allegations to			

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	<p>the DIA. The COO discussed with the population they work with at the facility, a client may make an allegation during an escalation then later rescind the allegation or other staff may have witnessed the incident and reported abuse did not occur, as some of the reasons the facility may not report to the DHS. The COO stated again the facility reported abuse when they reasonably believed abuse had occurred, per the Mandatory Reporter requirements. The COO did not respond when asked if the facility policy included when or why an allegation of abuse would not be reported to the DHS.</p> <p>FACILITY RESPONSE:</p>			

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56.6(1)	481—56.6(135C) Treble and double fines. 56.6(1) Treble fines for repeated violations. The director of the department of inspections and appeals shall treble the penalties specified in rule 481—56.3(135C) for any second or subsequent class I or class II violation occurring within any 12-month period, if a citation was issued for the same class I or class II violation occurring within that period and a penalty was assessed therefor.	II	\$1500 (treble)	UPON RECEIPT
50.7(3)	50.7(3) When there is an act that causes major injury to a resident or when a facility has knowledge of a pattern of acts committed by the same resident on another resident that results in any physical injury. For the purposes of this subrule, “pattern” means two or more times within a 30-day period. DESCRIPTION: Based on interview and record review, the facility failed to ensure all patterns of peer-to-peer aggression (two or more incidents resulting in injury by the same aggressor in a 30-day period) were reported to the Iowa Department of Inspections and Appeals (DIA), as required. This affected 6 of 17 clients (Client #5, #10, #12, #13, #14, and #16). Findings follow:			

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	<p>Record review on 11/7/19 revealed the facility Peer-to-Peer tracking spreadsheet, which included the date, clients involved, description of the incident, injury caused, follow-up, and the number of injuries cause by the aggressor within 30 days. Review of the spreadsheet revealed the following:</p> <p>a. On 8/24/19, Client #10 kicked Client #16 on the leg and shoved him into a cabinet. According to the 24-hour follow-up, Client #16 had a bruise on the side of his stomach.</p> <p>b. On 9/6/19, Client #10 caused a scratch on the anterior side at the base of Client #13's neck. The 24-hour follow-up noted the scratch remained on Client #13's neck. The document noted "N/A" for number of injuries by the aggressor.</p> <p>c. On 9/22/19, Client #10 scratched Client #14's left wrist. The facility failed to complete 24-hour follow-up but noted on 9/27/19 a small red mark was still present on Client #14. The number of injuries by aggressor noted "(Client #10) - NA due to amended reporting policy. Red mark present after 24 hours does not necessarily qualify. No lingering pain, no medical attention required."</p>			

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	<p>d. On 9/28/19, Client #10 scratched Client #14 on the right side of his neck. The 24-hour follow-up noted the scratch was still visible. The number of injuries by aggressor noted "(Client #10) - NA due to amended reporting policy. Red mark present after 24 hours does not necessarily qualify. No lingering pain, no medical attention required."</p> <p>e. On 9/28/19, Client #10 scratched Client #14's left arm. The 24-hour follow-up noted the scratch on Client #14 was still visible. The number of injuries by aggressor noted "(Client #10) - NA due to amended reporting policy. Red mark present after 24 hours does not necessarily qualify. No lingering pain, no medical attention required."</p> <p>f. On 9/28/19, Client #10 and Client #12 were roughhousing and began to choke one another; Client #12 obtained a scratch on his neck. The 24-hour follow-up revealed the scratch was still present. The number of injuries by aggressor noted "(Client #10) - NA due to amended reporting policy. Red mark present after 24 hours does not necessarily qualify. No first aid or medical attention required."</p> <p>g. On 9/29/19, Client #10 bit Client #12 on his hand. The 24-hour follow-up noted Client #12 had a scratch on the left side of his neck and red marks on both sides of his neck. The follow-up</p>			

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<p>lacked any information regarding if an injury occurred on Client #12's hand. The number of injuries by aggressor noted "(Client #10) - NA due to amended reporting policy. Red mark present after 24 hours does not necessarily qualify. No first aid or medication attention required."</p> <p>The facility failed to report the incidents to the Iowa Department of Inspections and Appeals (DIA) after Client #10 aggressed toward his peers, resulting in injury, on 8/24/19, 9/6/19, 9/22/19, 9/28/19, 9/28/19, 9/28/19, and 9/29/19.</p> <p>h. On 9/8/19, Client #16 brought his right fist down onto Client #10's left shoulder causing a red mark and "what appears to be the formation of a bruise." The record lacked 24-hour follow-up but noted on 9/14/19 staff completed follow-up and noted "no visible mark, injury, or signs of discomfort observed. 24 hour follow up does not appear to have been completed."</p> <p>i. On 11/19/19, Client #16 hit Client #10 in the face. The 24-hour follow-up revealed Client #10 had a small circular bruise noted above the right eyebrow. The number of injuries by aggressor noted "(Client #16) - 1".</p> <p>j. On 11/20/19, Client #16 hit Client #10 in the face. The 24-hour follow-up noted "Initial injury</p>				

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	<p>was self-inflicted on 11/19, but still looked swollen, and scabbed over ..." The number of injuries by aggressor noted "(Client #16) - 2; self-reported to DIA on 11/22/19 (within 24 hours of the QIDP being aware of follow up."</p> <p>The facility self-reported to the DIA on 11/22/19 after Client #16 had engaged in two incidents of peer-to-peer aggression with injury on 11/19/19 and 11/20/19. The facility failed to report the incidents within 24 hours.</p> <p>When interviewed on 11/25/19 at 11:35 p.m., Qualified Intellectual Disabilities Professional (QIDP) B stated staff had completed the Accident Injury Report for the peer-to-peer on 11/20/19 but explained the 24-hour follow-up was not reported to her until approximately 9:15 p.m. on 11/21/19 during a nightly huddle call. She explained the facility completed the self-report to DIA on 11/22/19 at approximately 8:00 p.m. QIDP B stated there was an issue with the facilities process used for tracking peer-to-peers therefore was not reported to the DIA within 24 hours.</p> <p>k. On 9/28/19, Client #12 attacked Client #16 by punching him in the face and kicking him. Client #10, Client #5, and Client #14 also started to hit Client #16 in the face and kick him in his private parts; Client #5 hit Client #16 in the face with her</p>			

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Facility Address/City/State/Zip 2309 C Street SW Cedar Rapids, IA 52404	MW			
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date
	<p>lanyard. The 24-hour follow-up noted Client #16's lip was no longer bleeding but was cut and red. The number of injuries by aggressor noted "(Client #12) - NA due to amended reporting policy. Following consult with (Director of Inpatient Services (DIS)) and (Qualified Intellectual Disabilities Professional (QIDP) B), this does not meet criteria as injury did not result in outside medication attention." There was no additional information regarding Client #5, #10, or #14 potentially causing the injury to Client #12's lip.</p> <p>I. On 9/29/19, Client #12 hit Client #10 in the face. 24-hour follow-up was not completed but noted on 10/6/19 Client #10 was assessed and noted his lip was swollen and there was a cut on the bottom lip. The injuries by aggressor noted "(Client #12) - NA due to amended reporting policy. Following consult with the (DIS) and (QIDP) B, this does not meet criteria as injury did not result in outside medication attention."</p> <p>m. On 10/3/19, Client #12 punched Client #10 in the face. The initial injury noted Client #10's entire face was swollen and had a red mark covering most of the left side of his face. The 24-hour follow-up noted Client #10 had bruising around his eye. The injuries by aggressor noted "(Client #12) - NA due to amended reporting policy.</p>			

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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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	<p>Following consult with the (DIS) and (QIDP B), this does not meet criteria as injury did not result in outside medical attention."</p> <p>n. On 10/5/19, Client #12 punched Client #10 in the face. The 24-hour follow-up revealed Client #10's lip was swollen and there was a cut on the bottom lip. The injuries by aggressor noted "(Client #12) - NA due to amended reporting policy. Following consult with the (DIS) and (QIDP B), this does not meet criteria as injury did not result in outside medical attention."</p> <p>o. On 10/6/19, Client #12 punched Client #13 on the left side of his mouth. The 24-hour follow-up noted Client #13 had a small cut that appeared to be healing. The injuries by aggressor noted "(Client #12) - NA. Consult re: this incident meeting criteria for possible self-report has been completed by (QIDP B) to (DIS). Resulting injury is minor: (Client #12) continues to have significant adjustments and modifications to his programming to aid in stabilization. His IDT continues to meet regularly to explore his ongoing appropriateness for this program."</p> <p>p. On 10/13/19, Client #12 punched Client #13 in the mouth. The 24-hour follow-up noted Client #13 had a small cut on his bottom lip. The injuries by aggressor noted "(Client #12) - resulting injury</p>			

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	<p>is minor; (Client #12) continues to have significant adjustments and modifications to aid in stabilization. His IDT continues to meet regularly to explore his ongoing appropriateness for this program."</p> <p>q. On 11/2/19, Client #12 punched Client #14 on the left eye. The 24-hour follow-up noted Client #14 had a bruise on his eye. The injuries by aggressor noted, "A consumer to consumer narrative was not initially completed for this incident. However, an (Accident Injury Report) was. This was given to DIA on-site on 11/12/19. Determined peer involvement on 11/17/19. At this time, this would not have been reported per our interpretation of peer to peer policy. However, following our amendment on 11/13/19, this would now meet criteria to report."</p> <p>The facility failed to report the incidents of peer-to-peer aggression resulting in injury by Client #12 on 9/28/19, 9/29/19, 10/3/19, 10/5/19, 10/6/19, 10/13/19, and 11/2/19 to the DIA, as required.</p> <p>Review of the facility policy "ICFID Peer To Peer Guidelines", undated, instructed "If a consumer has aggressed towards a peer(s) resulting in injury twice in a 30 day period, it must be reported to DIA. For the purposes of this reporting</p>			

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	<p>guideline, injury is described as significant and could include abrasion, cut, bite, or bruise lasting longer than 24 hours requiring a healing process. For the purposes of this reporting guideline, lingering pain, soreness, or red marks may not meet criteria for "injury"; these will be assessed on an individual basis and will continue to be monitored via the aforementioned process."</p> <p>When interviewed on 11/12/19 at 10:30 a.m., Qualified Intellectual Disabilities Professional (QIDP) B stated from her understanding, the facility revised the policy regarding peer-to-peer aggression and how injury was defined to allow for the facility to determine if something would be considered an injury or not. She said cuts, bruises, abrasions, etc. were all examples of what an injury may be. QIDP B acknowledged the policy did not note outside medical attention was required to be considered an injury and acknowledged scratches and bruises, for example, would appear to be an injury.</p> <p>When interviewed on 11/14/19 at 9:30 a.m., the Director of Inpatient Services (DIS) confirmed the incidents were not reported to DIA. She explained the facility assessed and determined injuries from peer-to-peer aggression on an individual basis. When asked about bruising by the eye and cut lips being an injury, for example, the DIS stated it</p>		Correction date	

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	<p>would depend on the severity of the bruise and again stated they asses individually to determine if it is an injury. The DIS acknowledged the facility policy definition of an injury did not include the client would require outside medical treatment to be considered an injury.</p> <p>FACILITY RESPONSE:</p>			

Facility Administrator

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