

**Iowa Department of Inspections and Appeals
Health Facilities Division
Adult Services Civil Penalty Citation**

Date: May 18, 2018
Program Name: Country Manor
Address: 900 West 46th Street Davenport, IA 52806
Type of Action: Investigations #75208-C, 75209-C, 75823-C, and 75340-I
Date(s) of Action: 4/25/18 – 4/26/18

State Rule #	State Rule	Amount of Civil Penalty
481-67.3(2)	<p>481-67.3 Tenant rights. All tenants have the following rights: 67.3(2) To receive care, treatment and services which are adequate and appropriate.</p>	\$7000.00
+	<p>Based on interview and record review the Program failed to ensure tenants received adequate and appropriate care. The Program failed to ensure appropriate supports and supervision of tenants to ensure safety. Additionally, the Program failed to ensure appropriate medical follow up after alleged sexual assault. This affected 2 of 2 tenants (Tenant #1 and Tenant #3) reviewed as a result of investigations #75208-C, 75209-C, 75823-C, and 75340-I. Findings follow:</p> <p>Record review revealed A Resident Incident Report dated 4-22-18 at 6:20 p.m. Staff A washed dishes in the dining room when Tenant #4 notified staff Tenant #1 "molested" Tenant #3. Staff immediately dropped everything and ran to the other area of the building where the tenants were located. Staff found Tenant #3 with Tenant #1's shirt halfway over Tenant #3's head. Tenant #1 adjusted his/her clothes. The incident report indicated the Nurse was notified at 6:30 p.m. The incident report indicated the tenant's physician was not notified of the incident, nor was Tenant #3 taken to the hospital. The Executive Director (ED) on 4-25-18 and documented, "IR signed after connecting with associate to further clarify. It did not jive with the verbal report given to the ED the evening of the possible appropriateness [sic] on 4-22-18."</p> <p>Continued record review revealed the Program's inquiry into the incident with Tenant #1 and Tenant #2. Statements were provided by involved parties and revealed the following:</p> <p>a. Staff A's statement, dated 4-22-18 at 6:20 p.m., revealed Staff A washed dishes when Tenant #4 approached her and stated Tenant #1 "molested" Tenant #3. Staff A ran to the other side of the building and found Tenant #3 half nude with Tenant #1's pants around his/her legs. Tenant #1 stood next to Tenant #3 and adjusted the pants. Staff A looked for Tenant #3's clothes and found them in Tenant #1's apartment on the floor. Staff A found feces on the bed in Tenant #1's apartment; Staff A noted the feces on the bed because Tenant #3 was impacted prior to the incident.</p>	

**Iowa Department of Inspections and Appeals
Health Facilities Division
Adult Services Civil Penalty Citation**

	<p>b. The Nurse's statement, dated 4-22-18 at 7:00 p.m., revealed she was notified Tenant #3 was found in the fish tank room with only a protective undergarment on. Staff reported to The Nurse Tenant #3 was with another tenant who attempted to put a shirt on him/her. The Nurse went to the Program to assess the tenant. The tenant was in bed. The Nurse woke Tenant #3 and explained she needed to check him/her. She assessed the tenant and noted no visible injuries. Tenant #3 had no stool on his/her body. When the Nurse attempted to assess Tenant #3's genitals, he/she clamped his/her knees together and refused. The Nurse dressed Tenant #3 and told him/her goodnight. The Nurse checked Tenant #3's protective undergarment removed prior to bed and noted smeared stool. No other visible body fluids were noted.</p> <p>An additional statement from the Nurse, dated 4/22/18 at 7:00 p.m. revealed the Nurse took Tenant #1 to the restroom with another staff member. The nurse examined his/her body for stool and injuries. No injuries were noted and no stool was found on any part of his/her body including hands and nail beds. The Nurse asked Tenant #1 if he/she undressed Tenant #3 and he/she said, "Yes. I wanted to see (him/her) naked." The Nurse asked Tenant #1 if he/she and Tenant #3 had sex and he/she stated, "No!" Tenant #1 expressed his/her spouse would be upset. When asked if he/she engaged in sexual intercourse with any other tenants, he/she replied, "No!" The Nurse dressed Tenant #1 and returned him/her to the A side television room under supervision. The Nurse documented she returned to Tenant #1's room and found a white protective undergarment with hard stool in the wastebasket. The bed was made with no indication any laid on the bed. At the edge of the bed, the Nurse noted a large pile of dark brown stool. No stool was noted on the floor or surrounding sheets. The Nurse examined the protective undergarment in the wastebasket for bodily fluids, and found none other than the previously noted stool.</p> <p>c. A typed statement from the ED indicated she was notified on 4-22-18 at 6:30 p.m. of the possibility of inappropriate behavior between tenants. The Nurse was asked to come in and assess both tenants. The ED arrived at about 6:40 p.m. and spoke with the tenant who allegedly had inappropriate behavior towards another tenant, the tenant who witnessed the incident and the staff. The ED visited with Tenant #1 and asked him/her if he/she remembered what happened that evening and Tenant #1 said no. Tenant #1 was asked if he/she removed clothing of a tenant of the opposite sex and Tenant #1 said yes. When asked why, Tenant #1 said he/she wanted to undress and re-dress the other tenant. Tenant #1 said he/she did not do anything to the other tenant.</p> <p>The ED spoke with Tenant #4, who witnessed the incident. Tenant #4 reported he/she saw Tenant #3 walk down the hallway from east to west into the fish tank area in one of the neighborhoods. Tenant #3 was nude from the waist up, but had on pants. Tenant #4 saw Tenant #1 walk from the same direction with a shirt in his/her hand. Tenant #1 attempted to put the shirt on Tenant #3. Tenant #4 walked down the hall to report the incident to staff. Tenant #4 told</p>	
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**Iowa Department of Inspections and Appeals
Health Facilities Division
Adult Services Civil Penalty Citation**

	<p>the staff he/she saw Tenant #1 "molesting" Tenant #3. When asked what Tenant #4 meant he/she said it was because Tenant #3 was nude from the waist up. Tenant #4 did not witness anything other than that. Tenant #4 said he/she used that language to get the attention from the staff. Staff A reported to the ED that she was approached by a witness as she did dishes in a different neighborhood. She saw Tenant #1 attempt to put the shirt on Tenant #3. She observed feces on Tenant #1's bed. There were shoes and an undergarment on the floor in that room. There was a soiled protective undergarment in the garbage. Both families were contacted by the ED and she and Wellness Director met face to face with Tenant #1's family and met with Tenant #3's family on 4-24-18.</p> <p>d. A typed statement signed by Tenant #4 indicated Tenant #4 watched television in the common area of one of the neighborhoods. He/she observed Tenant #3 walk down the hallway and go into the fish tank area. Tenant #3 was nude from the waist up and had on pants. Tenant #1 walked from the same direction and went towards the fish tank area, with a shirt in his/her hand. Tenant #1 attempted to put the shirt back on Tenant #3. Tenant #4 walked down the hall to get Staff A. Tenant #4 told Staff A that Tenant #3 was being "molested" by Tenant #1. He/she did not see any molestation but wanted to get Staff A's attention, which was why he/she said Tenant #3 was being "molested."</p> <p>Record review revealed Tenant #1 moved into the Program on 4-6-18 to receive respite services. Tenant #1 had diagnoses including early onset Alzheimer's disease without behavioral disturbance. Tenant #1 was staged at a five on the Global Deterioration Scale, which indicated moderately severe cognitive decline. Tenant #1 moved out of the Program on 4-26-18. A contract was signed for respite care from 4-6-18 to 4-20-18. There was no additional signed contracts for respite care for Tenant #1 despite Tenant #1 did not move out of the Program until 4-26-18, six days after the initial respite contract expired.</p> <p>Record review revealed Tenant #3's diagnoses included dementia. Tenant #3 was staged at a six on the GDS, which indicated severe cognitive decline. Tenant #3's service plan reflected staff changed his/her protective undergarment and provided perineal care. The service plan also indicated staff picked out clothing, provided cues, reminders and hands on assistance with dressing. Tenant #1 was independent with ambulation and tended to walk the building and would occasionally go into other tenant apartments.</p> <p>The ALP Monitoring Entrance Form completed by the Program indicated there was one staff in each neighborhood (four total) on second shift. Review of staff schedules reflected one staff for two neighborhoods at the time of incident on 4-22-18.</p> <p>When interviewed Staff A reported she worked a 12 hour shift for two neighborhoods. Dinner was served around 4:30 p.m. Staff A assisted Tenant #3 with toileting after supper at 6:00 p.m. and noted Tenant #3 was impacted. A white protective undergarment was</p>	
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**Iowa Department of Inspections and Appeals
Health Facilities Division
Adult Services Civil Penalty Citation**

	<p>applied. Staff A then assisted another tenant with toileting. Tenant #3 usually wandered around but usually did not get into anything. Tenant #1 finished supper early, went to the bathroom and was last seen around 5:30 p.m. While doing dishes Staff A was notified by Tenant #4 that Tenant #1 was "molesting" Tenant #3. Staff A ran to the opposite side of the building and found Tenant #3 in the fish tank area. Tenant #3 had Tenant #1's shirt around his/her neck, had Tenant #1's pants around his/her ankles, a protective undergarment on (gray), and no shoes. Tenant #1 was fully dressed and tried to get a shirt on Tenant #3. Staff A called Staff H for assistance. Staff A and Staff H went to Tenant #1's apartment to find Tenant #3's clothes. Tenant #3's shoes, undergarment were on the floor in Tenant #1's apartment. There was feces in the middle of the bed. Tenant #1's white protective undergarment was in the garbage. Staff H took Tenant #1 to a different building. Tenant #3 was taken to the bathroom to assist with pajamas and to get a new protective undergarment. There was bowel movement in between his/her legs. The incident report was completed and ED and the Nurse arrived. Staff A hugged Tenant #3 and provided reassurance. Tenant #3 looked frightened and exhausted.</p> <p>When interviewed on 4-26-18 at 9:17 a.m. the Nurse reported she received a call from Staff A on 4-22-18 at 7:00 p.m. regarding a problem with Tenant #1. Staff A informed the Nurse she found Tenant #3 in the fish tank area. Tenant #3 did not wear clothes, but wore Tenant #1's gray protective undergarment. Tenant #1 was clothed. Staff redirected Tenant #1 and took Tenant #3 to clean up. Staff A went to Tenant #1's apartment and found Tenant #3's white protective undergarment in Tenant #1's garbage. Tenant #3's undergarment and shoes were on the floor. There was a hard stool in the protective undergarment and a large soft stool on the bed. Staff A worked in two neighborhoods in the building that weekend, as staff was cut down. There had been a loss of three tenants on that side of the building. The Nurse reported she arrived to the Program about 8:00 p.m. and Tenant #1 was in a different part of the building. The Nurse took Tenant #1 into the restroom with Staff H. There were no apparent injuries and no stool noted on Tenant #1 during the assessment. When asked by the Nurse, Tenant #1 said he/she had undressed Tenant #3 and that he/she undressed Tenant #3 because he/she wanted to see Tenant #3 naked. Tenant #1 was adamant that he/she did not have sex with Tenant #3 and said Tenant #3 said no. The Nurse went to Tenant #3's apartment and she assessed his/her skin and attempted to examine his/her groin and Tenant #3 said no. The staff reported Tenant #3 had stool on his/her legs. She removed the gray protective undergarments from the garbage. She observed no blood or bodily fluids, but did observe a smear of stool. She kept the protective undergarments at that time; however, someone had since thrown them away. The Nurse told the ED Tenant #3 needed to be sent to the hospital for a "rape kit." She felt Tenant #3 had not been physically abused, but recommended to send him/her. The ED and Nurse went to Tenant #1's apartment and observed a white protective undergarment in the garbage. Tenant #1 wore gray protective undergarments and Tenant #3 wore white protective undergarments. Tenant #3 had problems</p>	
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**Iowa Department of Inspections and Appeals
Health Facilities Division
Adult Services Civil Penalty Citation**

with stools. She reported Tenant #3's stools were round, hard stools and at times were digitally removed. The white protective undergarment in Tenant #1's garbage had hard, dark stool. There was a large soft stool on the edge of the bed. The bed was made and there was a smooth rounded area. It appeared Tenant #3 had sat down and thought the bed was a toilet. Staff was to check on Tenant #1 every 15 minutes after the incident, and was told to shut the door between the two neighborhoods. She called back on third shift to ensure Tenant #1 was where he/she needed to be. On Monday the Wellness Director took over the process. She asked the ED about the "rape kit" and was told the Regional Director of Operations did not feel it was needed. The Nurse felt it was needed to protect Tenant #1, Tenant #3 and the Program. Tenant #3 could not remove or apply a protective undergarment and could not remove his/her shoes. Tenant #3 was not oriented to person, place or time. Tenant #1 was oriented to person, but not place or time.

When interviewed the ED revealed she received a telephone call at about 6:30 p.m. on 4-22-18 regarding a potential incident between Tenant #1 and Tenant #3. She directed staff to call the Nurse. She arrived less than 20 minutes later and visited with Tenant #1. He/she could not recall what happened. Tenant #1 said he/she removed Tenant #3's shirt and nothing else occurred. Staff A informed her Tenant #4 reported Tenant #1 was "molesting" Tenant #3 and she responded. Tenant #3 was nude from the waist up and Tenant #1 was clothed. Staff A observed Tenant #1 attempt to put a shirt on Tenant #3. Staff A went to Tenant #1's apartment and found Tenant #3's undergarment and shoes on the floor, feces on the bed and a protective undergarment in the garbage. Tenant #4 reported Tenant #3's shirt was off and he/she had pants on but was nude from the waist up. Tenant #4 told her he/she saw Tenant #3 walk into the fish tank area and went to get Staff A. Tenant #4 reported Tenant #1 was "molesting" Tenant #3. When she asked Tenant #4 if he/she saw anything he/she said no and he/she used the word for attention. The Nurse completed an in depth physical exam of Tenant #1 and Tenant #3. The ED and Nurse went to Tenant #1's apartment and observed Tenant #3's undergarment and shoes on the floor and a white protective undergarment in the garbage with feces in it. The comforter and top sheet were folded over on the bed and there was feces on the chux. The Nurse suggested an emergency room visit for Tenant #3. The Regional Director of Operations was consulted and decided they would not end Tenant #3 to the emergency room, as they did not believe there was not any indication at that time. Tenant #1 was placed on 15 minute checks. A message was left for Tenant #3's family at 9:00 p.m. on Sunday and the family called on Monday. She talked with Tenant #3's family on Monday and advised the family of what happened and let them know Tenant #3 was ok. She let them know the other tenant would be leaving the Program. Prior to the incident a plan was in place to extend Tenant #1's respite and to sign paperwork on Monday 4-23-18. On 4-24-18 Tenant #1's family was told of the incident and informed Tenant #1 needed a higher level of care. On 4-23-18 additional family members of Tenant #3 stopped by and felt the investigation of the incident need to continue.

**Iowa Department of Inspections and Appeals
Health Facilities Division
Adult Services Civil Penalty Citation**

When interviewed on 4-30-18 at 1:23 p.m. the Wellness Director revealed on a weekend she was called by the ED and informed of an incident between Tenant #1 and Tenant #3. On Monday (4-23-18) the ED and Wellness Director met with Tenant #1's spouse and told the spouse that the Program could not meet Tenant #1's needs and the spouse was given resources for placement. On Tuesday (4-24-18) the ED and Wellness Director met with Tenant #3's family. It was shared with them what Staff A had reported. The family asked to speak with the Nurse and Staff A. The Nurse came in and said a white protective undergarment was in Tenant #1's garbage, belonging to Tenant #3. There was feces in it and there was feces on Tenant #3. Family felt they did not have the full picture. The ED and Wellness Director spoke with Staff A and Staff A reported Tenant #3 was in the fish tank area, without a shirt or undergarment on and had on Tenant #1's protective undergarment. Tenant #1 was attempting to put his/her shirt on Tenant #3. Tenant #3 had Tenant #1's pants on at his/her feet. In Tenant #1's apartment she found an undergarment on the floor, a pile of feces on the bed and the bed was made. On Tuesday the ED called Staff H and Staff H reported Tenant #3 was naked and had Tenant #1's protective undergarment on him/her. Tenant #4 had reported to a staff member that he/she saw Tenant #1 "humping" Tenant #3. When interviewed Tenant #4 said that he/she did not see that. The Nurse mentioned a couple of times that Tenant #3 should have had a "rape kit."

When interviewed Staff B said she arrived at 6:20 p.m. to 6:30 p.m. and Tenant #1 stood in the fish tank area "messaging around" with his/her belt. Staff A came from down the hallway and reported Tenant #1 had "molested" Tenant #3. Staff A was in the bathroom with Tenant #3. Another staff called management staff and took Tenant #1 to the other building. The ED and Nurse arrived while Staff A completed her report. Staff A reported Tenant #4 reported to her that Tenant #1 "molested" Tenant #3. When Staff A had Tenant #3 in the bathroom it was noted Tenant #3 had on a gray protective undergarment. Tenant #1 was the only tenant with gray briefs. The Nurse wanted to send Tenant #3 out to be seen at the hospital. Staff B went to Tenant #1's apartment and Tenant #3's shoes and undergarment was on the floor. His/her shirt was in the chair. There was stool on the bed, approximately four to five inches from the edge into the center. Tenant #3 was taken to the bathroom and Staff B said he/she did not want her "down there." Normally it was not an issue with Tenant #3. Staff B said Tenant #3 was up a lot in bed that night and did not sleep like his/her normal self. At one point Tenant #3 sat on the edge of the bed, mumbled and jerked all of the sudden as if he/she was scared. Staff B said Tenant #3 was not his/her normal self that night. At 11:00 p.m. Tenant #1 was brought back to other building. His/Her laundry was done and his/her bed was made close to 1:00 a.m. At approximately 1:30 a.m. Tenant #1 sat with staff in the common area and said his/her spouse was going to be mad. When staff asked why Tenant #1 said, "Because I raped (Tenant #3) tonight and kissed (him/her) twice."

**Iowa Department of Inspections and Appeals
Health Facilities Division
Adult Services Civil Penalty Citation**

	<p>When interviewed Staff C reported she worked on 4-23-18, after the incident, and heard Tenant #1 might have "molested" Tenant #3. Staff C overheard Tenant #4 tell a staff that Tenant #1 was on top of Tenant #3. Tenant #4 met with management staff and the story changed. When Staff C assisted Tenant #3 with toileting the day after the incident, Tenant #3 tried to hit when his/her pants were pulled down. At a meal, Tenant #3 balled up his/her fist at staff. It was not a normal reaction for Tenant #3. Tenant #3 could not undress or redress himself/herself. Tenant #3 could not remove his/her shoes. The Nurse wanted Tenant #3 to be checked and a conclusion was reached to not send Tenant #3 out.</p> <p>When interviewed Staff D said she found out about the incident when she arrived at work. It was very upsetting to staff. She overheard Tenant #4 tell another staff that Tenant #1 was on top of Tenant #3. Tenant #4 knew names and remembered quite well. Staff D did not think Tenant #4 would fabricate it. Management staff talked with Tenant #4 and his/her story changed. Tenant #3 was not able to undress and dress himself/herself. After toileting Tenant #3 would try to pull up the protective undergarment or pants but could not take it off. The day after the incident Tenant #4 did not want to sit by Tenant #1 at meals. Tenant #3 yelled when staff tried to assist with toileting. It was not normal for Tenant #3 and he/she was protective of himself/herself.</p> <p>When interviewed Staff E said she arrived at work at 11:20 p.m. on 4-22-18 and Staff B told her what happened. Staff B asked Tenant #1 what his/her spouse would think and asked why Tenant #1 was in the room with Tenant #3. Tenant #1 responded he/she wanted to make love to Tenant #3. Staff E reported Tenant #3 was combative the next morning which was not normal for Tenant #3.</p> <p>When interviewed Staff F reported Tenant #3 would not be able to undress or dress himself/herself. Tenant #3 had white protective undergarments. Tenant #1's protective undergarments were gray.</p> <p>When interviewed Staff G reported the staffing ratio had always been four staff on second shift. At the time of the incident between Tenant #1 and Tenant #3 there was only three staff. There was one person for two neighborhoods. Staff G did not feel it was safe with three staff before 8:00 p.m.</p> <p>When interviewed Staff J reported it was a safety issue with one staff in one building (two neighborhoods). Staff J worked with Tenant #3 the day after the incident and said it was a normal day for Tenant #3.</p> <p>When interviewed on 5-3-18 at 10:25 a.m. the Regional Director of Operations revealed on the evening of 4-22-18 the ED called her and reported a tenant was in a room with a tenant of the opposite sex and his/her shirt was off. On Monday the ED called and the Regional Director of Operations told her to report it to the Department. The ED said there was something about respite care in the regulations. It was determined further investigation was needed</p>	
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**Iowa Department of Inspections and Appeals
Health Facilities Division
Adult Services Civil Penalty Citation**

	<p>and it needed to be reported. She told the ED to get witness statements and have the Nurse complete assessments. She reported she and the ED did not discuss if Tenant #3 should have been sent out to be seen at the hospital.</p> <p>Attempts were made to interview Tenant #1 and Tenant #3, but did not reveal any information related to the incident.</p> <p>When interviewed Tenant #4 reported the written statement (noted above) that he/she signed was accurate.</p> <p>When interviewed, Tenant #3's family reported they received a message on the evening of 4-22-18 from the Program requesting a call back. On Monday a telephone conversation occurred between the family and the Program. The family was informed someone removed Tenant #3's shirt, but told there was no reason to believe any sexual acts occurred. The Program reported an examination occurred and there was no indication anything happened. Tenant #3's family reported throughout additional discussions, different accounts of the incident were revealed. The Program did not mention Tenant #3 being nude from the waist down, nor did the Program mention "possible rape." The Program did not offer for Tenant #3 to be seen medically. The family reported there were staff that felt Tenant #3 should have gone to the hospital. The family felt the full story was not given, that the incident was being covered up and minimized.</p> <p>In summary, an incident occurred on the evening of 4-22-18 between Tenant #1 and Tenant #3, while one staff was on duty for two neighborhoods. Tenant #3 was found in a state of undress in a common area of the building, and Tenant #1 was observed attempting to redress Tenant #3. Tenant #3 was found wearing a gray protective undergarment, which was the color of protective undergarment Tenant #1 wore. Prior to the incident, staff assisted Tenant #3 with toileting and a white protective undergarment was applied. A white protective undergarment was found in Tenant #1's garbage. Clothing items belonging to Tenant #3 were found in Tenant #1's apartment, as well as feces (believed to be that of Tenant #3) on the bed. Tenant #1 acknowledged he/she undressed Tenant #3; however, denied anything more occurred. Staff indicated Tenant #3 would not be able to undress or dress self or apply or remove a protective undergarment. A physical assessment after the incident noted no injuries of Tenant #1 and Tenant #3; however, Tenant #3 declined assessment of his/her genital area. The Nurse recommended Tenant #3 be sent out to the hospital. Program staff reportedly decided Tenant #3 did not need to be evaluated by medical professionals.</p>	
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**Iowa Department of Inspections and Appeals
Health Facilities Division
Adult Services Civil Penalty Citation**

<p>481-69.39(8)</p>	<p>481-69.39(231C) Respite care services. 69.39(8) Level of care criteria. Respite care individuals must meet the criteria found in subrule 69.23(1) for admission and retention of tenants. Respite care services shall not be provided by an assisted living program to persons requiring a level of care which is higher than the level of care the program is certified to provide.</p> <p><i>[481-69.23(231C) Criteria for admission and retention of tenants.</i> <i>69.23(1) Persons who may not be admitted or retained. A program shall not knowingly admit or retain a tenant who:</i> <i>c. Is dangerous to self or other tenants or staff, including but not limited to a tenant who:</i> <i>(1) Despite intervention chronically elopes, is sexually or physically aggressive or abusive, or displays unmanageable verbal abuse or aggression]</i></p> <p>Based on interview and record review the Program failed to ensure tenants receiving respite care services met level of care criteria for admission and retention. The Program admitted and continued to provide respite care services to a tenant, despite the tenant's chronic sexually aggressive behavior. This pertained to 1 of 3 respite care tenants reviewed (Tenant #1). Findings follow:</p> <ol style="list-style-type: none"> 1. Record review revealed Tenant #1 moved into the Program on 4-6-18 as a respite care individual. Tenant #1 moved out of the Program on 4-26-18. 2. Record review of Tenant #1's Nurse's Notes revealed the following: <ol style="list-style-type: none"> a. On 4-12-18 staff reported Tenant #1 found in Tenant #3's apartment. Tenant #1's pants were off and hung in Tenant #3's closet. Tenant #3's pants were on his/her head. Staff was instructed to keep Tenant #1 on his/her side of the building. b. On 4-14-18 staff reported Tenant #1 made sexual comments to staff. Staff was instructed to keep Tenant #1 in the coloring area and 	
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**Iowa Department of Inspections and Appeals
Health Facilities Division
Adult Services Civil Penalty Citation**

	<p>to contact his/her spouse to come and sit with Tenant #1. Tenant #1's spouse came in for the remainder of the day.</p> <p>c. On 4-15-18 Tenant #2 was found sitting on Tenant #1's bed. Staff removed Tenant #2 and redirected Tenant #1 to the coloring area. The apartment door was locked and Tenant #1's family came in.</p> <p>d. On 4-20-18 staff found Tenant #1 holding hands with Tenant #2 in the television area.</p> <p>3. Continued record review of the staff communication book indicated the following:</p> <p>a. On 4-14-18 Tenant #1 needed to be watched around Tenant #2, as he/she kept trying to kiss Tenant #2. Tenant #1 and Tenant #2 were in Tenant #1's apartment. Tenant #2 was in Tenant #1's bed. Tenant #2 went to his/her apartment and Tenant #1 tried to follow. Tenant #1 also went into another tenant's bed and staff got him/her out.</p> <p>b. On 4-15-18 Tenant #1 stalked Tenant #2, pulled on Tenant #2, and fixated on Tenant #2. Staff could not redirect Tenant #1. Tenant #1's family was called and came in to redirect Tenant #1. It was noted to write down (time and date) every time something happened between Tenant #1 and Tenant #2.</p> <p>c. On 4-19-18 Tenant #1 was "getting inappropriate" with Tenant #2. Tenant #1 was moved to back room to color and play a game. Tenant #1 tried to take Tenant #2 to his/her apartment.</p> <p>4. Further record review revealed an initial Mini Mental Status Examination, dated 3-30-18 (prior to respite care services), indicated when asked to write a sentence Tenant #1 wrote he/she wanted to kiss on the lips.</p> <p>5. A New Resident Notification document, dated 4-6-18 indicated Tenant #1 was "Respite for now." The document noted Tenant #1 might ask if he/she could have a kiss and staff was to politely decline and remind him/her that he/she was married.</p> <p>6. A Resident Incident Report dated 4-22-18 at 6:20 p.m. Staff A washed dishes in the dining room when Tenant #4 notified her Tenant #1 "molested" Tenant #3. Staff immediately dropped everything and ran to another area of the building. Staff found Tenant #3 with Tenant #1's shirt halfway over Tenant #3's head. Tenant #1 adjusted his/her clothes.</p> <p>When interviewed Staff A reported she worked a 12 hour shift for two neighborhoods. Dinner was served around 4:30 p.m. Staff A assisted Tenant #3 with toileting after supper at 6:00 p.m. and noted Tenant #3 was impacted. A white protective undergarment was applied. Staff A then assisted another tenant with toileting. Tenant #3 usually wandered around but usually did not get into anything. Tenant #1 finished supper early, went to the bathroom and was last seen around 5:30 p.m. While doing dishes Staff A was notified by</p>	
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**Iowa Department of Inspections and Appeals
Health Facilities Division
Adult Services Civil Penalty Citation**

	<p>Tenant #4 that Tenant #1 was "molesting" Tenant #3. Staff A ran to the opposite side of the building and found Tenant #3 in the fish tank area. Tenant #3 had Tenant #1's shirt around his/her neck, had Tenant #1's pants around his/her ankles, a protective undergarment on (gray), and no shoes. Tenant #1 was fully dressed and tried to get a shirt on Tenant #3. Staff A called Staff H for assistance. Staff A and Staff H went to Tenant #1's apartment to find Tenant #3's clothes. Tenant #3's shoes, undergarment were on the floor in Tenant #1's apartment. There was feces in the middle of the bed. Tenant #1's white protective undergarment was in the garbage. Staff H took Tenant #1 to a different building. Tenant #3 was taken to the bathroom to assist with pajamas and to get a new protective undergarment. There was bowel movement in between his/her legs. The incident report was completed and ED and the Nurse arrived. Staff A hugged Tenant #3 and provided reassurance. Tenant #3 looked frightened and exhausted.</p> <p>When interviewed on 4-26-18 at 9:17 a.m. the Nurse reported she received a call from Staff A on 4-22-18 at 7:00 p.m. regarding a problem with Tenant #1. Staff A informed the Nurse she found Tenant #3 in the fish tank area. Tenant #3 did not wear clothes, but wore Tenant #1's gray protective undergarment. Tenant #1 was clothed. Staff redirected Tenant #1 and took Tenant #3 to clean up. Staff A went to Tenant #1's apartment and found Tenant #3's white protective undergarment in Tenant #1's garbage. Tenant #3's undergarment and shoes were on the floor. There was a hard stool in the protective undergarment and a large soft stool on the bed. Staff A worked in two neighborhoods in the building that weekend, as staff was cut down. There had been a loss of three tenants on that side of the building. The Nurse reported she arrived to the Program about 8:00 p.m. and Tenant #1 was in a different part of the building. The Nurse took Tenant #1 into the restroom with Staff H. There were no apparent injuries and no stool noted on Tenant #1 during the assessment. When asked by the Nurse, Tenant #1 said he/she had undressed Tenant #3 and that he/she undressed Tenant #3 because he/she wanted to see Tenant #3 naked. Tenant #1 was adamant that he/she did not have sex with Tenant #3 and said Tenant #3 said no. The Nurse went to Tenant #3's apartment and she assessed his/her skin and attempted to examine his/her groin and Tenant #3 said no. The staff reported Tenant #3 had stool on his/her legs. She removed the gray protective undergarments from the garbage. She observed no blood or bodily fluids, but did observe a smear of stool. She kept the protective undergarments at that time; however, someone had since thrown them away. The Nurse told the ED Tenant #3 needed to be sent to the hospital for a "rape kit." She felt Tenant #3 had not been physically abused, but recommended to send him/her. The ED and Nurse went to Tenant #1's apartment and observed a white protective undergarment in the garbage. Tenant #1 wore gray protective undergarments and Tenant #3 wore white protective undergarments. Tenant #3 had problems with stools. She reported Tenant #3's stools were round, hard stools and at times were digitally removed. The white protective undergarment in Tenant #1's garbage had hard, dark stool. There was a large soft stool on the edge of the bed. The bed was made</p>	
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**Iowa Department of Inspections and Appeals
Health Facilities Division
Adult Services Civil Penalty Citation**

	<p>and there was a smooth rounded area. It appeared Tenant #3 had sat down and thought the bed was a toilet. Staff was to check on Tenant #1 every 15 minutes after the incident, and was told to shut the door between the two neighborhoods. She called back on third shift to ensure Tenant #1 was where he/she needed to be. On Monday the Wellness Director took over the process. She asked the ED about the "rape kit" and was told the Regional Director of Operations did not feel it was needed. The Nurse felt it was needed to protect Tenant #1, Tenant #3 and the Program. Tenant #3 could not remove or apply a protective undergarment and could not remove his/her shoes. Tenant #3 was not oriented to person, place or time. Tenant #1 was oriented to person, but not place or time.</p> <p>When interviewed the ED revealed she received a telephone call at about 6:30 p.m. on 4-22-18 regarding a potential incident between Tenant #1 and Tenant #3. She directed staff to call the Nurse. She arrived less than 20 minutes later and visited with Tenant #1. He/she could not recall what happened. Tenant #1 said he/she removed Tenant #3's shirt and nothing else occurred. Staff A informed her Tenant #4 reported Tenant #1 was "molesting" Tenant #3 and she responded. Tenant #3 was nude from the waist up and Tenant #1 was clothed. Staff A observed Tenant #1 attempt to put a shirt on Tenant #3. Staff A went to Tenant #1's apartment and found Tenant #3's undergarment and shoes on the floor, feces on the bed and a protective undergarment in the garbage. Tenant #4 reported Tenant #3's shirt was off and he/she had pants on but was nude from the waist up. Tenant #4 told her he/she saw Tenant #3 walk into the fish tank area and went to get Staff A. Tenant #4 reported Tenant #1 was "molesting" Tenant #3. When she asked Tenant #4 if he/she saw anything he/she said no and he/she used the word for attention. The Nurse completed an in depth physical exam of Tenant #1 and Tenant #3. The ED and Nurse went to Tenant #1's apartment and observed Tenant #3's undergarment and shoes on the floor and a white protective undergarment in the garbage with feces in it. The comforter and top sheet were folded over on the bed and there was feces on the chux. The Nurse suggested an emergency room visit for Tenant #3. The Regional Director of Operations was consulted and decided they would not end Tenant #3 to the emergency room, as they did not believe there was not any indication at that time. Tenant #1 was placed on 15 minute checks. A message was left for Tenant #3's family at 9:00 p.m. on Sunday and the family called on Monday. She talked with Tenant #3's family on Monday and advised the family of what happened and let them know Tenant #3 was ok. She let them know the other tenant would be leaving the Program. Prior to the incident a plan was in place to extend Tenant #1's respite and to sign paperwork on Monday 4-23-18. On 4-24-18 Tenant #1's family was told of the incident and informed Tenant #1 needed a higher level of care. On 4-23-18 additional family members of Tenant #3 stopped by and felt the investigation of the incident need to continue.</p> <p>When interviewed on 4-30-18 at 1:23 p.m. the Wellness Director revealed on a weekend she was called by the ED and informed of an incident between Tenant #1 and Tenant #3. On Monday (4-23-</p>	
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**Iowa Department of Inspections and Appeals
Health Facilities Division
Adult Services Civil Penalty Citation**

	<p>18) the ED and Wellness Director met with Tenant #1's spouse and told the spouse that the Program could not meet Tenant #1's needs and the spouse was given resources for placement. On Tuesday (4-24-18) the ED and Wellness Director met with Tenant #3's family. It was shared with them what Staff A had reported. The family asked to speak with the Nurse and Staff A. The Nurse came in and said a white protective undergarment was in Tenant #1's garbage, belonging to Tenant #3. There was feces in it and there was feces on Tenant #3. Family felt they did not have the full picture. The ED and Wellness Director spoke with Staff A and Staff A reported Tenant #3 was in the fish tank area, without a shirt or undergarment on and had on Tenant #1's protective undergarment. Tenant #1 was attempting to put his/her shirt on Tenant #3. Tenant #3 had Tenant #1's pants on at his/her feet. In Tenant #1's apartment she found an undergarment on the floor, a pile of feces on the bed and the bed was made. On Tuesday the ED called Staff H and Staff H reported Tenant #3 was naked and had Tenant #1's protective undergarment on him/her. Tenant #4 had reported to a staff member that he/she saw Tenant #1 "humping" Tenant #3. When interviewed Tenant #4 said that he/she did not see that. The Nurse mentioned a couple of times that Tenant #3 should have had a "rape kit."</p> <p>7. When interviewed Staff A revealed Tenant #1 frequently asked for a kiss and had sexual urges. Tenant #1 always wanted sex. Tenant #1 had told a staff to have sex with him/her now. A document that was provided to staff when Tenant #1 moved in identified Tenant #1 frequently asked for a kiss. Management staff was aware of the behavior and the day Tenant #1 was interviewed (admission to respite care) he/she asked for a kiss. Other tenants did not like to be around Tenant #1.</p> <p>When interviewed Staff B revealed Tenant #1 made sexual comments to staff on a daily basis and would say "let's have sex."</p> <p>When interviewed Staff C revealed Tenant #1 told staff they were going to have sex with him/her. Tenant #1's comments towards staff occurred once per day. A document, normally kept in the medication room, identified Tenant #1 would try to kiss and to tell him/her no and his/her spouse would not like it. Staff C had heard Tenant #1 was in Tenant #2's apartment. Tenant #1 would try and get to Tenant #2.</p> <p>When interviewed Staff D revealed Tenant #1 followed Tenant #2 a lot. Tenant #1 was also around Tenant #3, would be close to him/her and it made staff uncomfortable.</p> <p>When interviewed Staff E revealed Tenant #1 made sexual comments towards staff more than a couple times per week. It was noted on an information paper that Tenant #1 would ask for a kiss and staff was to redirect him/her.</p> <p>When interviewed Staff F revealed Tenant #1 was seated next to Tenant #2 and tried to kiss him/her, was pulling at Tenant #2.</p>	
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**Iowa Department of Inspections and Appeals
Health Facilities Division
Adult Services Civil Penalty Citation**

	<p>Tenant #1 got very mad when staff redirected and yelled he/she was going to have sex with the staff. Tenant #1's spouse was called.</p> <p>When interviewed Staff J revealed Tenant #1 had asked Staff J to sleep with him/her one time and he/she was redirected. Staff J found Tenant #2 in Tenant #1's bed. Tenant #1 was by the closet and both tenants were dressed.</p> <p>When interviewed on 4-26-18 at 9:17 a.m. with the Nurse said when Tenant #1 was assessed at an adult day services program, the first thing he/she said was "I want to kiss your lips." The Nurse discussed it with staff at the adult day services program and was told he/she made comments but was easily redirected. The Nurse told the Sales Director she did not think they should take him/her. Tenant #1 was admitted for respite care services for a short term stay. After a week she thought Tenant #1 needed one to one care and was not appropriate.</p> <p>When interviewed on 5-3-18 at 11:10 a.m. the Wellness Director confirmed Tenant #1 exceeded the level of care.</p> <p>In summary, Tenant #1 displayed behavior at the initial screen for admission and was accepted for respite care services. During the time of the respite care services Tenant #1 remained at the Program despite sexually aggressive behaviors displayed towards to staff and tenants. Tenant #1 did not move out until 4-26-18, six days after the initial respite contract expired.</p>	
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**Iowa Department of Inspections and Appeals
Health Facilities Division
Adult Services Civil Penalty Citation**

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