

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

Citation Number: 6706		Fine amount reduced by 35% to \$975.00 on December 27, 2017 pursuant to Iowa Code Section 135C.43A	Date: December 5, 2017		
Village Northwest Unlimited			Survey Dates: October 30-November 9, 2017		
330 Village Circle Sheldon, Iowa 51201		DS			
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date	

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 (Trebled \$500 x3)	Upon Receipt	
64.60 +	481—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. 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. This rule is intended to implement Iowa Code section 135C.2(3).				
64.33(1)	481-64.33(135C) Allegations of dependent				

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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235E.2 (3)a	<p>adult abuse. 64.33(1) Allegations of dependent adult abuse. Allegations of dependent adult abuse shall be reported and investigated pursuant to Iowa Code chapter 235E and 481-Chapter 52. (I,II,III)</p> <p>235E.2 Dependent adult abuse reports in facilities and programs. 3. a. If a staff member or employee is required to make a report pursuant to this section, the staff member or employee shall immediately notify the person in charge or the person's designated agent who shall then notify the department within twenty-four hours of such notification. If the person in charge is the alleged dependent adult abuser, the staff member shall directly report the abuse to the department within twenty-four hours.</p>			
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52.2(2)a	<p>481-52.2(235E) Persons who must report dependent adult abuse and the reporting procedure for those persons. 52.2(2) Reporting suspected dependent adult abuse in facilities or programs. a. If a staff member or employee is required to make a report pursuant to this rule, the staff member or employee shall immediately notify the person in charge or the person's designated agent who shall then notify the department within 24 hours of such notification or the next business day.</p>			
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64.33(1)	<p>481-64.33(1)-Allegations of dependent adult abuse. 64.33(1) Allegations of dependent adult abuse. Allegations of dependent adult abuse shall be reported and investigated pursuant to Iowa Code chapter 235E and 481-Chapter 52. (I,II,III)</p> <p>DESCRIPTION:</p> <p>Based on staff interviews and record review, the facility failed to ensure all allegations of potential abuse/neglect are identified and failed to report immediately (within 24 hours) to the Iowa Department of Inspections and Appeals. The sample consisted of 1 client (Client #1).</p> <p>The findings include:</p> <p>When interviewed on 10/31/17 at 12:59 p.m., the Spiritual Services Coordinator (SSC) reported on 10/21/17, he arrived at work a little before 8:00 a.m. Upon arrival, Direct Support Professional (DSP) A indicated Client #1 sat in his/her bedroom because of public masturbation. The SSC explained Client #1 used a locked seatbelt when he/she sat in his/her recliner. According to the SSC, Client #1 sat in his/her bedroom recliner from before he arrived to work until approximately 11:00 a.m. The SSC stated he did not step in and assist Client #1 up from his/her recliner, but</p>				
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	<p>wished he would have. The SSC compared the incident as a parent verses parent situation. He believed DSP A punished Client #1 for public masturbation and let DSP A handle it. After the SSC left work, he thought the incident might be neglect. On 10/22/17, the SSC sent an email to Director of ICF/ID and Program Services and asked to talk to her about staff concerns at the house. According to the SSC, Director of ICF/ID and Program Services set him up to talk to Director of Human Resources (HR). On 10/23/17, the SSC reported the incident to the Director of HR. The SSC stated Director of HR listened and seemed unhappy. The SSC was unaware if an investigation started. The SSC confirmed DSP A continued to work with Client #1.</p> <p>A follow-up interview on 11/1/17 at 2:51 p.m. SSC reported when he arrived to work on 10/21/17, DSP A explained she put Client #1 in his/her bedroom because he/she masturbated in the living room chair. The SSC did not believe DSP A used the word punishment nor remembered DSP A verbalizing Client #1 had to stay in his/her bedroom. The SSC assumed DSP A disciplined Client #1. The SSC recalled DSP A irritated that she witnessed this behavior. The SSC reported Client #1 was up and out of his/her bedroom at 11:00 a.m. Someone came in to administer</p>				
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	<p>medication and Client #1 ate lunch. He stated he did not witness DSP A check on Client #1 and the bedroom door remained closed the entire time. According to the SSC, he briefly received training and was aware of Client #1's masturbation program. The SSC stated he never needed to implement the program. According to the SSC, Client #1 did not stay in his/her bedroom a lot. The SSC stated Client #1 liked spending time in the living room. The SSC explained Client #1's bedroom contained sensory items, a TV and a radio. The SSC did not hear any noise coming from the bedroom and stated he/she could have taken a nap.</p> <p>When interviewed on 10/31/17 at 2:40 p.m. Director of HR reported he thought the SSC talked to him about getting his job back because he moved to the house to fill-in. The SSC told Director of HR things happened in the house that we do not know about or always see. Director of HR was not sure how the conversation went as he had many people who want to talk. He listened but took things with a grain of salt. He recalled DSP A told the SSC she disciplined a client. Director of HR thought that was different, but did not recall the SSC reporting anything overly concerning. Director of HR remembered a client stayed in his/her bedroom, but he did not know what the program indicated. The Director of</p>				
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	<p>HR could not remember if they communicated about anything else.</p> <p>The policy and procedures titled <u>Abuse and Neglect</u> directed the following to the staff: Any person witnessing a possible act of abuse is mandated by law and Village policy to report it immediately to both a supervisor and to the Iowa Dept. (Department) of Inspections and Appeals. For reporting purposes, "immediately" means as soon as possible, but not to exceed 24 hours after discovery of the incident..."</p> <p>When interviewed on 10/31/17 at 4:50 p.m., Director of ICF/ID and Program Services acknowledged the facility failed to report the allegation. She stated she called DSP A and separated her from Client #1. The facility reported the incident to DIA on 11/1/17.</p> <p>FACILITY RESPONSE:</p>			
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