

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

Citation Number: <b>6754</b>		Fine amount reduced by 35% to \$650.00 on February 20, 2018 pursuant to Iowa Code Section 135C.43A		Date: February 8, 2018	
Facility Name: Imagine The Possibilities, Inc- Diamond Place		Survey Dates: January 22-25, 2018			
Facility Address/City/State/Zip 1208 South 11 <sup>th</sup> Street Oskaloosa, IA. 52577		HL		73464-I and 73583-C	
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date	

64.33(135C)	481—64.33(135C) Allegations of dependent adult abuse. 64.33(1) <i>Allegations of dependent adult abuse.</i> Allegations of dependent adult abuse shall be reported and investigated pursuant to Iowa Code chapter 235E and 481—Chapter 52. (I, II, III)	II	\$500.00	Upon Receipt	
52.2(2)a	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.				
235E.2(3)a	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				

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64.60	<p><b>within twenty-four hours.</b> 481-64.60(135C) Federal regulations adopted - conditions of participation. Regulations in 42 CFR Part 483, Subpart D, and Sections 410 to 480 effective October 3, 1988, are adopted by reference and incorporated as part of these rules. A copy of these regulations is available on request from the Health Facilities Division, Department of Inspections and Appeals, Lucas State Office Building, Des Moines, Iowa 50319.</p> <p>Classification of violations is I, II, and III, determined by the division using the provision in 481-Chapter 56, Fining and Citations," to enforce a fine to cite a facility. This rule is intended to implement Iowa Code Section 135C.2(3).</p>			
W153	<p><b>483.420(d)(2) STAFF TREATMENT OF CLIENTS</b> CFR(s): 483.420(d)(2) The facility must ensure that all allegation of mistreatment, neglect or abuse as well as injuries of unknown source, are reported immediately to the administrator or to other officials in accordance with State law through established procedures.</p> <p><b>DESCRIPTION:</b></p> <p>Based on interview and record review the facility failed to ensure staff immediately reported allegations of</p>			

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	<p>potential abuse in accordance to facility policy. The facility failed to timely report allegations of possible abuse to the Department of Inspections and Appeals and failed to notify the person in charge as directed by facility policy. This affected 3 of 4 clients (Client #1, Client #2 and Client #3) involved in investigation 73464-I and 73583-C. Finding follows:</p> <p>Record review on 1/22/18 revealed a Compliance Hotline Intake Form dated 1/5/2018. The form documented a suspected violation of a small group of employees bullying clients and staff. The report also documented staff would swear at clients and had a goal to make a client cry every day. There was also a suspicion of possible sexual abuse by employees. The complaint was made by Direct Support Professional (DSP A) on 1/5/18 at 2:00 p.m.. The agency Compliance Officer received the report on 1/8/18, [ DSP A made the report on 1/5/18 at 2 p.m.] and contacted DSP A for additional information. DSP A alleged staff mocked clients, called them names, would swear at clients and said things to their faces. She stated Client #1 and Client #2 were the targets of the verbal and emotional abuse and identified DSP B, DSP C and DSP D as the staff involved in the allegations. When asked about the sexual abuse concern, DSP A stated Client #3 had been showing his/her private parts and masturbating in public areas and had asked another client to remove his/her clothing. The facility immediately suspended DSP B, DSP C and DSP D while completing the investigation</p>			
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	<p>and reported the information to Department of Inspections and Appeals (DIA) on 1/9/18 at 9:08 a.m.. The internal investigation concluded there was no evidence regarding the allegation of sexual abuse. In addition, the inappropriate behavior toward clients on the part of staff reflected insensitivity to specific client behaviors and not maintaining dignity and respect at all times towards the clients.</p> <p>Record review of Dependent Adult and Child Abuse Policy, last approved 7/7/17, revealed the following protocol for reporting: Any person who witnessed a possible abuse should immediately separate the alleged abuser from the individual served, notify the shift supervisor on duty or contact the on-call supervisor. The reporter should also make an oral report to an appropriate law enforcement agency if immediate protection of the individual was needed. The shift supervisor would then notify the ICF/ID Director who would then notify DIA.</p> <p>Review of staff training records revealed DSP A had been trained on Mandatory Reporter Training on 10/16/17 and completed a review of the agency policy on 12/24/17.</p> <p>When interviewed on 1/22/18 at 10:15 a.m. the ICF/ID Director confirmed staff failed to follow the facility policy for reporting allegations of abuse. She stated staff chose to contact the agency compliance hotline number versus contacting the facility supervisor which</p>			
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	<p>did not comply with their policy and delayed the investigation process.</p> <p><b>FACILITY RESPONSE:</b></p>				
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64.33(2)	<b>64.33(2) Separation of accused abuser and victim.</b> Upon a claim of dependent adult abuse of a resident being reported, the administrator of the facility shall separate the victim and accused abuser immediately and maintain the separation until the department's abuse investigation is completed and an abuse determination is made. (I, II) [ARC 1204C, IAB 12/11/13, effective 1/15/14]	II	\$500.00	Upon Receipt
52.6(235E)	<b>481—52.6(235E) Separation of victim and alleged abuser.</b> Upon receiving a claim of dependent adult abuse of a dependent adult in a facility or program, the facility or program shall separate the victim and the alleged abuser immediately and shall maintain that separation until the department's abuse investigation is completed and the abuse determination is made. NOTE: Facilities that participate in the federal Medicare or Medicaid program may be subject to additional federal requirements regarding separation. [ARC 8294B, IAB 11/18/09, effective 1/1/10]			
235E.2 (10)	<b>235E.2 Dependent adult abuse reports in facilities and programs.</b>			

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	<p><b>10. The department shall adopt rules which require facilities and programs to separate an alleged dependent adult abuser from a victim following an allegation of perpetration of dependent adult abuse and prior to the completion of an investigation of the allegation. Independent of the department's investigation, the facility or program employing the alleged dependent adult abuser shall conduct an investigation of the alleged dependent adult abuse and determine what, if any, employment action should be taken including but not limited to placing the alleged dependent adult abuser on administrative leave or reassigning or terminating the alleged dependent adult abuser as a result of the investigation by the facility or program. If the facility or program terminates the alleged dependent adult abuser as a result of the investigation by the facility or program or the alleged dependent adult abuser resigns, the alleged dependent adult abuser shall disclose such termination or investigation to any prospective facility or program employer. An alleged dependent adult abuser who fails to disclose such termination or investigation is guilty of a simple misdemeanor.</b></p> <p><b>DESCRIPTION:</b></p> <p>Based on interview and record review, the facility failed to consistently maintain separation between the alleged victims and the accused after an allegation of</p>			
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	<p>abuse was made until the completion of the Iowa Department of Inspections and Appeals' (DIA) investigation. This affected 3 of 4 clients (Client #1, Client #2 and Client #3) involved in investigation 73464-I and 73583-C. Finding follows:</p> <p>Record review on 1/22/18 revealed a compliance hotline intake form dated 1/5/2018. The form documented a suspected violation of a small group of employees bullying clients and staff. The report also documented staff would swear at clients and had a goal to make a client cry every day. There was also a suspicion of possible sexual abuse by employees. The complaint was made by Direct Support Professional (DSP) A. The agency Compliance Officer received the report on 1/8/18 and contacted DSP A for additional information. DSP A alleged staff mocked clients, called them names, would swear at clients and said things to their faces. She stated Client #1 and Client #2 were targets of the verbal and emotional abuse and identified DSP B, DSP C and DSP D as staff involved in the allegations. When asked about the sexual abuse concern, DSP A stated Client #3 had been showing his/her private parts and masturbating in public areas and asked another client to remove his/her clothing. The facility immediately suspended DSP B, DSP C and DSP D while completing the investigation and reported the information to DIA. The internal investigation concluded there was no evidence regarding the allegation of sexual abuse. In addition, the inappropriate behavior toward clients on the part of</p>			
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	<p>staff reflected insensitivity to specific client behaviors and not maintaining dignity and respect at all times towards the clients. Each staff received disciplinary action and were required to complete retraining on the Code of Ethics, Code of Conduct, Approved Restrictive Techniques and Interventions Policy, Behavior Plan Training, Abuse Reporting Process Training and Grievance Reporting Procedure. The involved employees returned to work on 1/17/18. DIA began investigation into the allegations on 1/22/18 after staff returned to work. The facility failed to maintain separation until the completion of DIA's investigation.</p> <p>When interviewed on 1/23/18 at 4:00 p.m. the ICF/ID Director confirmed staff were allowed to return to work [and had contact with the 3 clients] following the internal investigation due to the determination the allegations were unfounded. She stated she received guidance from the agency Human Resources department in having the staff return to work. The ICF/ID Director stated she would remove staff from direct client contact until further direction by DIA.</p> <p><b>FACILITY RESONSE:</b></p>			
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