

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

Citation Number: 5429				
		Date: 10/29/21		
Facility Name: Mosaic 217 Maple Ave		Survey Dates: 10/11/21 – 10/13/21		
Facility Address/City/State/Zip 217 Maple Ave Nevada, IA 50201		LK/cc		
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date

235E.2(3)a	<p>Iowa Code section 235E.2(3)(a)</p> <p>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>	II	\$500.00	UPON RECEIPT
IAC 481-52.2(2)a	<p>481—52.2(235E) Persons who must report dependent adult abuse and the reporting procedure for those persons.</p> <p>52.2(2) Reporting suspected dependent adult abuse in facilities or programs.</p> <p>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>			

Facility Administrator

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IAC 481-67.33(1)	<p>481-64.33(135C) Allegations of dependent adult abuse</p> <p>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>			
IAC 481-64.60	<p>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.</p> <p>This rule is intended to implement Iowa Code Section 135C.2(3).</p>			

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W153	<p>483.420(d)(2) STAFF TREATMENT OF CLIENTS</p> <p>The facility must ensure that all allegations 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>Based on interviews and record reviews, the facility failed to consistently ensure all allegations of mistreatment were reported immediately to the administrator. This affected 3 of 3 clients involved in 96808-I and 98449-I (Client #1, Client #2 and Client #6).</p> <p>Findings follow:</p> <p>1. Record review on 10/11/21 revealed Direct Support Supervisor (DSS) wrote an incident report (GER) dated 5/26/20. The GER indicated when Client #3 paced in and out of the living room to the backyard Direct Support Professional (DSP) C called the client a "(expletive) moron" and later said "Jesus Christ" as she was frustrated by the client's pacing. The DSS completed the report based</p>			
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	<p>on witness reports from DSP A and DSP B. The GER further indicated an investigation was initiated on 5/27/21.</p> <p>Record review on 10/11/21 revealed Direct Support Professional (DSP) A wrote an (GER) dated 5/28/20 which indicated two staff (DSP C and DSP D) made a song which mocked Client #1. DSP A revealed she became aware of the song when DSP C and DSP D played it for her. Further review of the incident report revealed DSP A was shown the song on approximately 5/7/21 (3 weeks earlier), but failed to report it.</p> <p>Record review of another incident on 10/11/21 revealed a (GER) dated 5/28/20. The report indicated Client #2 was listening to music in the living room and his tongue hung out of his mouth. DSP C then told the client to put his tongue in his mouth or she would cut it off. The document further revealed DSP D joined in and both staff laughed. The report indicted the incident took place on 5/25/20 and was reported on 5/27/20.</p> <p>Record review of a facility investigation completed on 6/2/20 revealed it was confirmed DSP C and DSP D mistreated multiple individuals in the home when they were subjected to verbal abuse and personal</p>			
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	<p>degradation. The facility investigation revealed several staff were interviewed and reported numerous additional instances when DSP C and DSP D made fun of clients, swore at clients and called them inappropriate names they failed to report. The investigation indicated staff reported these allegations weeks after they happened and only reported them when interviewed for the current investigation. The report indicated staff alleged DSP C and DSP D called clients "morons, (expletive) morons and crackheads" on regular basis. The report alleged in one instance DSP C and DSP D yelled at Client #1 who asked for a pop and told her to "Stop (expletive) talking, we're talking" as they talked at the dining room table.</p> <p>Record review revealed DSP A, DSP B, DSP F and DSP G were all provided a written warning for failure to immediately report suspected or alleged abuse of people supported. All four warnings confirmed staff failed to report at least one incident of suspected abuse to their supervisor immediately after they witnessed it. The review further revealed DSP C and DSP D were terminated on 6/5/20 as a result of the investigation.</p>			
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	<p>When interviewed on 10/12/21 at 2:22 p.m. the Direct Support Supervisor (DSS) stated the investigation started on 5/26/20 when DSP A and DSP B reported they heard DSP C and DSP D calling Client #3 a "(expletive) moron" several times. She stated once Mosaic started an investigation several staff reported numerous other allegations (see above) regarding DSP C and DSP D. The DSS confirmed several DSPs were then provided written warnings because they failed to report the abuse they witnessed immediately after they witnessed it and waited until the 5/27/20 investigation to report what they witnessed.</p> <p>2. Record review on 10/12/21 revealed a facility investigation initiated 2/2/21. The investigation revealed DSP H responded to an email from Human Resources sent to thank her for joining the Mosaic team (she was employed 1 month). DSP H responded and indicated she witnessed several employee interactions with clients which made her uncomfortable. Mosaic immediately started an investigation and DSP H informed them of at least four incidents where she felt uncomfortable with a co-workers conduct towards clients. The investigation revealed the first incident occurred on 1/8/21 where DSP H alleged she witnessed DSP E kicked Client #6 after he spit on her. The DSP</p>			
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	<p>further noted DSP E slammed a door in the client's face, restricted his movement and yelled at him. The investigation further indicated DSP H reported the allegation to her Direct Support Supervisor (DSS) on 1/9/21. The supervisor discussed the allegations with DSP H, but failed to report the allegations to an administrator. The investigation further revealed DSP H witnessed DSP E take Client #1's food from her during dinner on approximately 1/22/21 after she ate only 25% of her meal. DSP H reported DSP E did this because the client was not cooperative during the meal. DSP H reported a similar incident on 2/1/21 with Client #2 on the a.m. shift which involved DSP E. Later on 2/1/21 DSP H alleged DSP I was rude to Client #2 as he struggled to eat dinner and told him to "Open your (expletive) mouth."</p> <p>Record review confirmed DSP H and the DSS were both written up for failure to report allegations of abuse immediately as outlined in agency policy. The DSS written warning also indicated she failed to perform key responsibilities which included being available at the home for training with new employees (such as DSP H on 1/8/21) and other concerns.</p>			
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	<p>When interviewed 10/13/21 at 10:25 a.m. the DSS confirmed DSP H had spoken to her about her concerns from 1/8/21 on 1/9/21. The DSS stated DSP H only told her about DSP E having kicked Client #6, but not about the door being slammed, the client movement being restricted or being yelled at. She stated when she talked with DSP H, the DSP agreed DSP E could have just been being playful and only gently tapped Client #6 rather than kicking him more aggressively. The DSS assumed then the incident was resolved and told the DSP to report any future concerns she had.</p> <p>When interviewed on 10/13/21 at 9:00 a.m. DSP H stated she contacted the DSS on 1/8/21 about the allegations, but she indicated she was unavailable and told her they needed to talk the next day (1/9/21) when she came to work. The DSP stated she told on the DSS on 1/9/21 about how DSP E kicked Client #6 and it wasn't playful. She indicated the kick was not full force, but forceful enough to hurt the client and was totally inappropriate. She stated she kicked the client after he spit on her and tried to hit her. She remembered the DSS tried to ask her if the kick was playful and she clearly told her it was not playful. DSP H stated after she spoke with her supervisor she felt nothing would be done about it and wasn't sure who</p>			
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	<p>else to talk to about it. She decided on 2/1/21 when she received an email from Human Resources which inquired about her co-workers and supervisor she reported the allegations and finally someone listened to her. When asked why she failed to report the incident from 1/22/21 where DSP E took Client #1's food, she stated because she felt the supervisor would not do anything about it. She stated she had spoken to other employees who said that was just the way it was at Mosaic.</p> <p>3. Record review revealed the facility's policy directed "Employees and Independent contractors will demonstrate dignity and respect to people served in their homes and communities." Additionally, "Employees will use professional language (no profanity) while in the presence of people served."</p> <p>Additional record review revealed the Mosaic policy regarding abuse reporting indicated any employee who observes or suspected abuse or mistreatment of a person served shall intervene immediately on the person's behalf to ensure safety and then report the incident immediately. The policy further noted failure to report the incident is considered neglectful and will lead to disciplinary action.</p>			
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	4. When interviewed on 10/13/21 at 3:30 p.m. the Associate Director confirmed agency policy required staff to report all allegations of suspected abuse immediately. She confirmed several staff were disciplined for failure to report as required during both investigations (96808-I and 98449-I).			

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