

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

Number 6222	Fine amount reduced by 35% to \$975.00 on August 31, 2016 pursuant to Iowa Code Section 135C.43A	Report date August 8, 2016		
Facility name Bethany Life		Survey dates July 11-14, 2016		
Facility address 212 Lafayette Street				
City Story City, IA. 50248	HL			
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) <i>Treble fines for repeated violations.</i> 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	\$1,500.00 (treble fine \$500 X3)	Upon Receipt
58.43(9)	481—58.43(135C) Resident abuse prohibited. 58.43(9) 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)			
Iowa Code 235E.2(3)(a)	Iowa Code section 235E.2(3)(a) 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.			
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.			

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 (2015).

Administrator

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52.6 (235E)	<p>481—52.6(235E) Separation of victim and alleged abuser. 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.</p> <p>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]</p> <p>DESCRIPTION:</p> <p>Based on record review, interviews, and facility policy, the facility failed to report allegations of potential abuse timely to the Department of Inspections and Appeals; and failed to separate a staff immediately after the allegations of abuse for two residents (Residents #13 and #14). The facility reported a census of 146 residents.</p> <p>Findings Include:</p> <p>1. The incident summary written by the Administrator revealed on 6/21/16 she received a note from Staff V, homemaker, regarding an incident that occurred of 6/18/16. Resident #13 made repetitive comments about being scared. Staff V wrote she overheard Staff W, homemaker, telling the resident to shut up, told the resident to be quiet, and stated she was sick of hearing it.</p> <p>The incident summary documented Staff V witnessed Staff W firmly pushed down Resident #14 and pulled on the resident's arm.</p>			

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	<p>During an interview on 7/12/16 at 9¹⁷ a.m., the Administrator stated she did not become aware of either incident until 6/21/16. Staff V continued to work with residents on 6/19/16 and a partial shift 6/21/16 until she became aware of the situation.</p> <p>The MDS dated 6/16/16 documented Resident #13 had diagnoses including Alzheimer's disease and depression. The MDS documented the resident scored a 3 out of 15 on the Brief Interview for Mental Status (BIMS) indicating severely impaired cognition. The MDS documented the resident required extensive assistance for activities for daily living.</p> <p>The MDS dated 4/28/16 documented Resident #14 had diagnoses including Alzheimer's disease and a seizure disorder. The MDS documented the resident had a BIMS score of 1 out of 15 indicating severe cognitive impairment. The MDS documented the resident required extensive assistance for activities of daily living.</p> <p>During an interview on 7/12/16 at 2:00 p.m. Staff V stated she did not report what she witnessed to the charge nurse. She stated on 6/19/16 she called Staff T, household coordinator, to report the 2 incidents. She stated she should have reported to the charge nurse immediately.</p> <p>During an interview on 7/12/16 at 2:32 p.m. Staff T stated she received a call from Staff V. Staff V told her she witnessed Staff W yell at Resident #13 and pull on Resident #14's arm. Staff T stated she did not report either incident.</p> <p>During an interview on 7/12/16 at 1:31 p.m. Staff X, registered nurse, stated she worked on 6/18/16. Staff had not reported either incident to her.</p> <p>The Abuse Prevention, Identification, Investigation, and</p>			

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	<p>Reporting policy revised 5/2016 directed to report all allegations of abuse immediately to the charge nurse. The charge nurse is responsible to report the allegation of abuse to the Director of Nursing, Administrator, or designated representative.</p> <p>Upon receiving a report of an allegation of abuse, the facility shall immediately implement measures to prevent further potential abuse of residents from occurring while the facility investigation is in process. If this involves an allegation of abuse by an employee, this will be accomplished by separating the employee accused of abuse from the resident alleged to be abused. If a staff member or employee is required to make a report pursuant to this section, the staff member or employee when he shall immediately notified the person in charge were a person designated agent who shall then notified the Iowa Department of Inspections & Appeals immediately and in no event later than 24 hours of any allegation even on a week and were holiday.</p> <p>FACILITY RESPONSE:</p>			

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 (2015).

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