

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

Citation Number: 9059				
Facility Name: Opportunity Living 1		Date: February 12, 2021		
Facility Address/City/State/Zip 105 Westview Lake City, IA 51449		Survey Dates: December 8, 2020 – January 11, 2021		
		LK	Survey	
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date

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>	II	\$500.00	Upon Receipt
50.9	<p>481-50.9(135C) Criminal, dependent adult abuse, and child abuse record checks.</p> <p>50.9(3) Requirements for employer prior to employing an individual. Prior to employment of a person in a facility, the facility shall request that the department of public safety perform a criminal history check and the department of human services perform child and dependent adult abuse record checks of the person in this state.</p>			

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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	DESCRIPTION			
	<p>Based on interviews and record reviews, the facility failed to ensure completion of background checks prior to beginning employment. This potentially affected 32 of 32 clients living at Opportunity Living #1. Findings follow:</p> <ol style="list-style-type: none"> 1. Direct Support Professional (DSP) C began employment with the agency on 11/30/20. The facility completed a background check for child and dependent adult abuse on 12/2/20 with the criminal history still pending as of this review on 12/9/20. 2. DSP D began employment with the agency on 11/12/20. The facility completed a background check for child abuse, dependent adult abuse and criminal history on 11/24/20. <p>When interviewed on 12/9/20 a 4:15 p.m. the Managing Director of Operations and the Human Resource Generalist confirmed the facility made a mistake by not having the check completed before hiring the employees. Both indicated the oversight occurred due to confusion over the governor's proclamation earlier in the year waiving background checks.</p>			

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FACILITY RESPONSE				

Facility Administrator

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