

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

Citation Number: #10149				
Facility Name: Fleur Heights Center for Wellness & Rehab		Date: January 4, 2024		
Facility Address/City/State/Zip: 4911 SW 19 th St. Des Moines, IA 50315		JS	Survey Dates: November 30 – December 21, 2023	
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date

56.12	481—56.12 (135C) Class I violation as a result of multiple lesser violations. The director of the department of inspections and appeals may issue a citation for a class I violation when a physical condition or one or more practices exist in a facility which are a result of multiple lesser violations of the statutes or rules, but which taken as a whole constitute an imminent danger or a substantial probability of resultant death or physical harm to the residents of the facility.	I	\$7,250.00 (Held in Suspension)	Upon Receipt
58.43(1) & 58.43(2)	481—58.43(135C) Resident abuse prohibited. Each resident shall receive kind and considerate care at all times and shall be free from mental, physical, sexual, and verbal abuse, exploitation, neglect, and physical injury. Each resident shall be free from chemical and physical restraints except as follows: when authorized in writing by a physician for a specified period of time; when necessary in an emergency to protect the resident from injury to the resident or to others, in which case restraints may be authorized by designated professional personnel who promptly report the action taken to the physician; and in the case of an intellectually disabled individual when ordered in writing by a physician and authorized by a designated qualified intellectual disabilities			

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	<p>professional for use during behavior modification sessions. Mechanical supports used in normative situations to achieve proper body position and balance shall not be considered to be a restraint.</p> <p>58.43(1) Mental abuse includes, but is not limited to, humiliation, harassment, and threats of punishment or deprivation. (II)</p> <p>58.43(2) Physical abuse includes, but is not limited to, corporal punishment and the use of restraints as punishment. (II)</p> <p>Description:</p> <p>Based on observation, record review, resident, staff interviews, and facility policy review the facility failed to implement safety measures and interventions to protect residents on the CCDI (Chronic Confusion and Dementing Illness) unit from resident to resident physical abuse from Resident #2. On 11/26/23 during the lunch meal Resident #2 pushed a table into Resident #3 who responded by throwing cooled coffee on Resident #2. Later that same shift Resident #2 verbally threatened Resident #3 that she was going to get her. The facility separated the residents but failed</p>			
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	<p>to implement any measures to prevent further aggression. At approximately 7:00 p.m. that same day, a staff person responded to a commotion in Resident #3's room. Resident #2 and #3 were both in the room. Resident #3 was on the floor with blood coming from her head, and reported Resident #2 pushed me and caused to hit her head. Both residents were agitated and the staff person was unable to redirect Resident #2 from the room. Staff left the residents unattended and went to the nurse's station located in the middle of the unit to get help because there was no call light available in the room to summon help. Resident #3 required transfer to the local emergency room and 6 staples to repair a head laceration. The facility identified 31 other residents reside on the CCDI unit.</p> <p>Findings include:</p> <p>1. The Minimum Data Set (MDS) for Resident #2 dated 9/20/2023 documented severe cognitive impairment. The MDS documented no hallucinations or delusions and no physical or verbal behavioral symptoms directed towards others. The MDS also documented they wandered 1-3 days of the week during the observation period. The MDS documented the resident</p>			
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	<p>independent for bed mobility, transfer, toilet use, and walking. The MDS identified diagnoses that included Non-Alzheimer's disease, cerebral atherosclerosis, restlessness and agitation, and wandering.</p> <p>Resident #2's Care Plan, dated as initiated on 3/18/23, included a focus area: Resident has behavior problems as evidenced by exit seeking, verbal aggression toward staff and peers, and non-compliance with cares with a goal that residents behavior problems would not infringe on her care or the care of peers. Interventions included the following, dated as initiated on 3/18/23: Anticipate and meet needs, intervene as necessary to protect the rights and safety of others, approach in a calm manner, divert attention, remove from situation and take to alternate location. The Care Plan failed to direct new interventions following the 11/26/23 altercation to protect residents. Following surveyors' entrance on 11/30/23 a new intervention was added to monitor resident for agitation following family visits.</p> <p>Observation on 11/30/23 at 1:00 p.m. Resident #2 and Resident #3 were in the common dining. Resident #3 was seated at the table closest to the</p>			
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	<p>nurse's station and Resident #2 was seated at another table talking to a staff person and wandering about, and sitting down again. The two residents, displayed no non-verbal or verbal reaction to the other. Both residents appeared calm, and not agitated.</p> <p>2. The MDS for Resident #3 dated 12/1/2023 documented a Brief Interview for Mental Status (BIMS) assessment score of 14. A score of 14 out of 15 indicating intact cognition. The MDS documented no physical or verbal behavioral symptoms directed towards others. The MDS documented the resident was independent for bed mobility, transfer, toilet use, and walking. The MDS identified diagnoses that included unspecified dementia, moderate, with agitation, and anxiety.</p> <p>During an observation and interview 12/5/23 at 2:10 p.m., Resident #2 voiced frustration that there are no activities going on. Responded that she doesn't like it here because there isn't anything to do. Denied that she felt unsafe, recalled that a lady had pushed her and she had hit her head. Can't recall who the lady was.</p>			
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	<p>Resident #3's Care Plan, dated as initiated on 8/19/23, included a focus area at risk for alteration in mood/behavior related to diagnoses of dementia with agitation, anxiety, and disorientation with a goal that residents safety will be maintained through the review date. Interventions included the following dated as initiated on 8/19/23: Distract from wandering by offering pleasant diversions, structured activities. The Care Plan failed to direct new interventions following the 11/26/23 altercation. Following surveyors' entrance on 11/30/23 a new intervention was added on 12/4/23 to place a stop sign and one-way arrow on patient door in an attempt to limit the number of residents wandering into her room.</p> <p>Review of a Progress Note dated 11/26/23 at 8:00 p.m. documented it had been reported to the nurse that Resident #3 had fallen and was bleeding. As the nurse entered room, Resident seated on floor with blood on hands and back of head bleeding. Cold compress applied. Resident Stated, "she pushed me then I fell flat on my head." Order received to send to local emergency room to evaluate and treat. Further review revealed a note dated 11/27/23 at midnight that documented resident returned from the emergency room,</p>			
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	<p>accompanied by daughter. Resident returned to the facility with 6 staples to back of head, family member reported CT scan done with negative result.</p> <p>Review of an unwitnessed fall report dated 11/26/23 at 7:15 p.m., initiated by Staff A, Licensed Practical Nurse (LPN) documented nurse received call Resident #3 fell and bleeding. As nurse entered room, Resident seated on floor with blood on hands and back of head bleeding. Cold compress applied. Resident Stated, "she pushed me then I fell flat on my head." 911 called and resident sent to local emergency room.</p> <p>Review of a facility document titled Clinical Follow Up for the time period 11/7/23-12/7/23 revealed no entry for behaviors or altercation for Resident #2 or Resident #3 on 11/26/23 to communicate the information between staff.</p> <p>In an interview on 12/5/23 at 3:14 p.m. Staff B, Certified Nurse Assistant (CNA) stated she had worked on Sunday 11/26/23. Reported she had witnessed Resident #2 push the table into Resident #3. Resident #3 responded by throwing cooled coffee on Resident #2. Residents were</p>			
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	<p>separated. When Resident #2 returned from getting her clothes changed she verbally threatened to get back at Resident #3. Staff B denied there was any direction for increased supervision, added that on Monday 11/27/23 Resident #2 was found wandering into Resident #3's room twice, and was able to be redirected out of the room.</p> <p>In an interview on 12/6/23 at 1:09 p.m. Staff C, Certified Medication Aide (CMA) stated she had witnessed an altercation at lunch on 11/26/23. Described Resident #2 had pushed a table into Resident #3, who had in response thrown cooled coffee. Had separated residents and took Resident #2 to her room to change wet clothes. Stated when Resident #2 returned to the dining room she threatened Resident #3 that she was going to get her. Staff C responded that she was not aware of any direction for increased supervision or interventions to prevent further aggression between these residents. Further stated at approximately 7:00 p.m. she was in the nurse's station with Staff D, CNA when Staff E, CNA entered to inform them Resident #3 was on the floor in her room bleeding, Resident #2 was also in the room, and Resident #3 had accused her of</p>			
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	<p>pushing her down. Staff C stated when they got to the room they heard Resident #2 continue to verbally threaten Resident #3. Reported staff were able to get Resident #2 out of the room, but she continued to try to re-enter. Additionally, reported she heard Resident #3 accuse Resident #2 of pushing her to the floor causing her to hit her head. Reported that Resident #3's head was bleeding, and there was blood on her shirt and the floor. Denied that following the fall she had been made aware of any direction for increased supervision or interventions to prevent further aggressive incidents other than what they normally provide on the unit.</p> <p>In an interview on 12/5/23 at 2:38 p.m. Staff E, CNA stated that she had reported to work at 6:00 p.m. and had not been informed of the earlier incident. Informed was in the dining room when she heard a commotion and yelling coming from the end of the hall where Resident #3's room was located, so responded. Described that she found Resident #3 on the floor, and Resident #2 standing in the room. Resident #3 had blood on her head and on the floor. Both residents were agitated and yelling at each other. Recalled that Resident #3 had specifically stated that Resident #2 had</p>			
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	<p>pushed her and caused her to fall and wanted her out of her room. Staff E stated there was no call light, walkie, or phone in the room to get help. Again, stated that she had not been made aware of the earlier incident and there was no direction for increased supervision.</p> <p>In an interview on 12/5/23 at 2:49 p.m. Staff D, CNA stated that she was in the nurse's station when Staff E, CNA reported that Resident #3 was on the floor in her room. Staff D reported she responded to the room, Resident #3 on the floor accused Resident #2 of pushing her down. Reported both residents were very agitated. Responded that she had heard something had happened earlier in the shift, but didn't know the details until after the incident where Resident #3 was on the floor. Staff D stated that she would have expected closer supervision after the earlier incident but was not aware of any intervention for increased supervision.</p> <p>In an interview on 12/5/23 at 3:39 p.m. Staff F, CNA reported she had worked on 11/27/23. Stated she had not been informed of the incident or any injury to Resident #3. Recalled that she had found Resident #2 in Resident #3's room and</p>			
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	<p>had redirected her out of the room. Stated that she had not been directed that Resident #2 was not to be in Resident #3's hallway.</p> <p>In an interview on 12/6/23 at 1:45 p.m. Staff A, LPN stated she had reported to work at 5:00 p.m. on 11/26/23 and had not been informed of the incident at noon, clarified that she had not been aware of the first incident until after the second incident had occurred. Was not aware of any increased supervision prior to the incident and denied putting any new intervention in place after the incident as Resident #2 was asleep in her room when Resident #3 returned from the emergency room with staples. Reported around 7:00 p.m. she received a call from the unit that Resident #3 was on the floor. Found Resident #3 on the floor in her room, touching her head, and bleeding. Stated Resident #3 alleged that she was pushed by Resident #2.</p> <p>In an interview on 12/6/23 at 1:20 p.m. the MDS nurse and supervisor of the day on 11/26/23 reviewed her text messages for the day and stated that she had been informed of Resident #3's fall at 7:30 p.m. Confirmed she was the on-call supervisor for the entire day, but had not been</p>			
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	<p>contacted or informed of the earlier incident where Resident #2 shoved the table into Resident #3, and Resident #3 threw coffee in response. Stated she would have expected to have been contacted and had she been contacted she would have instructed staff to initiate a 1:1. Further stated that she was unaware that no new intervention had been put in place when Resident #3 returned from the hospital. Would also have initiated a 1:1 if it hadn't already been implemented. Stated Resident #2 does hold a grudge and remembers so it would have been important to put a 1:1 in place right away to prevent further incident. Stated she is authorized to put a 1:1 in place and so is the charge nurse.</p> <p>In an interview on 12/5/23 at 2:00 p.m. the Interim Administrator stated that no new interventions had been implemented after the dining room incident, before Resident #2 entered Resident #3's room and allegedly pushed her to the floor.</p> <p>In an interview on 12/12/23 at 1:20 p.m. the Director of Nursing (DON) stated that she had not been the DON when the incident had occurred but has participated in the investigation. Stated the</p>			
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	<p>facility failed to communicate to the current and next shifts. Would have expected the nurse to chart the incident at noon where the table was shoved and coffee was thrown. Would have expected a risk management investigation, and as a part of this, new interventions to be put in place. That would also include notification of the on-call manager, and communicating by being placed on the nurse to nurse hot charting. Reviewed the hot charting and confirmed that had not been completed. Confirmed on her first day as DON, 12/5/23, had implemented a hall monitor and are staffing for this.</p> <p>Record review of a facility document titled Unusual Occurrence Protocol directed any time a resident is reported to have an unusual occurrence which included resident to resident altercation the following steps should be taken included:</p> <ul style="list-style-type: none"> -Nurse notified. -Vitals and assessment. -Separate resident from the source of any alleged abuse, neglect, or other resident involved in the altercation if applicable. -Provide first aid if needed. -Notify resident representative. -Notify primary care provider. 			
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	<ul style="list-style-type: none"> -Notify the Director of Nursing and Administrator immediately. -Initiate intervention to prevent further incident. -Completed incident report in Risk Management section. -Document. <p>The Facility Policy Titled Abuse Prevention, Identification, Investigation and Reporting Policy dated 1/15/2020 defined, Resident to resident physical contact that occurs, which includes but is not limited to where residents are hit, slapped, pinched or kicked and results in physical harm, pain or mental anguish is considered resident to resident abuse. The facility will presume that instances of abuse cause physical harm, or pain or mental anguish in residents with cognitive and/or physical impairments which may result in a resident unable to communicate physical harm, pain or mental anguish, in the absence of evidence to the contrary. The policy further stated that all residents have the right to be free from abuse.</p> <p>Facility Response:</p>			
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