Iowa Department of Inspections and Appeals

Health Facilities Division

Citation

Citation Number: **5875**			**Date:** **October 10, 2022**
Facility Name: **Lenox Care Center**		**Survey Dates:** **September 13 – October 4, 2022**	
Facility Address/City/State/Zip **111 East Van Buren** **Lenox, IA 50851**	**jm/gp**		

Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date
235e.2.1	**235E.2 Dependent adult abuse reports in facilities and programs.** 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	**I**	**$5,000** **(Held in suspension)**	**Upon Receipt**

_____ _____

Facility Administrator Date

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	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			
58.43.7(f)	**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,			

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	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 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. (II)			

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	58.43(7) Each facility shall implement written policies and procedures governing the use of restraints which clearly delineate at least the following: *f.* Their use is not employed as punishment, for the convenience of the staff, or as a substitute for supervision or program. (I, II) **DESCRIPTION:** Based on record review, facility investigative file review, staff interviews and policy review the facility failed to separate Staff D Certified Nursing Assistant (CNA) and Staff E Registered Nurse (RN) after an			

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	allegation of abuse was reported to the Director of Nursing (DON) on 8/20/22. On 8/20/22 at approximately 9:50 PM, Staff E allegedly yanked Resident #1 back through an exit door forcefully and she fell. Staff E took away the resident's walker and proceeded to hold her down in a chair against her will. Staff D obtained a flat sheet per Staff E's directive and then Staff D held Resident #1 in the chair while Staff E wrapped the sheet around the resident's right leg. The two 2:00 PM-10:00 PM CNA's saw this and Staff F called the DON (Director of Nursing), who asked that the CNA's provide statements. The DON told the Admin on the morning 8/22/22. But Staff E and Staff D continued to work alone in the facility with Resident #1, until 6:00 AM on 8/21/22 and repeated the same			

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	shift on 8/21/22 until 6:00 AM on 8/22/22. The facility reported a census of 21 residents. Findings include The Minimum Data Set (MDS) dated 8/18/22 for Resident #1 documented a Brief Interview of Mental Status (BIMS) score of 99. A score of 99 suggested the resident was unable to complete the interview. The MDS documented she had modified independent cognitive skills for daily decision making. Resident #1 experiences wandering daily and refused care for 1-3 days during the 7-day review period. She required supervision of one staff for bed mobility, dressing, eating and used a walker. She also required limited assistance of one staff for toilet use and personal			

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	hygiene. The MDS documented the following diagnoses: stroke, cancer, hypertension, and thyroid disease. The Care Plan focus area dated 8/24/22 indicated Resident #1 had a psychosocial adjustment issue due to recent admission. She felt she was lied to regarding the admission as she thought she was going to a doctor's appointment. Staff are to encourage ongoing family involvement and continue contact with her family via cell phone. The Care Plan also indicated she had impaired cognitive function and impaired thought processes related to disease process including stroke and brain tumor. She had very short-term memory functions and obsesses over issues continually. The care plan encouraged staff to communicate with the			

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	family and caregivers regarding resident's capabilities and needs. Staff are to ensure her safety, leave and re-approach later or with a different staff member if the resident gets agitated. Staff are encouraged to keep her routine consistent and try to provide consistent care givers as much as possible in order to decrease confusion. Staff are also encouraged to re-direct her if she is wandering into an unsafe or unfamiliar area. Staff are to be aware they may have to answer the same questions numerous times before the resident is satisfied or change the topic. The care plan indicated she was deemed a severe elopement risk due to impaired cognition, new admission to the facility, threats to elope, and actual elopement attempts. Staff are encouraged to re-direct her away			

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	from exits when she is agitated and offer her to contact family. The Progress Note dated 8/19/22 at 3:15 PM documented Resident #1 was up and pacing the hallways, became very upset and agitated when staff would not let her go outside to go "to her apartment to get some clothes." The Progress Notes dated 8/20/22 at 10:52 PM documented Resident #1 was going exit to exit door, in and out of other resident's room, grabbed and pinched the nurse, yelling and setting off door alarms. She was very upset and unable to understand she was safe at the facility. Staff provided 1-1 all day and since the nurse arrived to the facility at 6:00 PM. A call was			

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	made to the on-call doctor and received an order to give Haldol 5 milligrams (mg)/milliliter (ml) and to give 2.5 mg intramuscular (IM) right now (STAT) and to call back if not effective. At 11:45 PM she continued to be anxious and hitting, pitching staff and going to exit to exit, yelling and attempting to go in to other resident's rooms. Another call was made to the on-call doctor and gave an order for another 2.5 mg Haldol IM, one time only. At 11:50 PM IM Haldol given in resident's right arm at this time, 1-1 with resident provided while in the lobby area as she was disturbing other residents; other residents trying to sleep. Several residents afraid to go to sleep as she was going through their rooms and drawers looking for her phone. Family told staff to take the phone at night as the resident makes numerous calls to them daily, up			

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	to 50 times per day. This note was documented by Staff E. The Progress Note dated 8/21/22 at 12:46 AM the nurse walked with Resident #1 down to her room and she laid down for a short time and went to sleep around 12:45 AM. At 2:46 AM staff kept checking on the resident to ensure she was sleeping and in her own bed. Review of the facility's investigative file revealed the following staff statements: - Staff D Certified Nursing Assistant (CNA) wrote as she walked in the Registered Nurse (RN) asked her to get her a sheet and she did. The nurse			

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	started to tie down the resident to a chair. Staff D stood at the nurse's desk while this happened. - Staff E RN wrote Resident #1 had set off door alarms and tried to leave the facility. She was assisted back to the commons area and she sat on the loveseat demanding to leave. Explained it was not safe outside at night. Insisted she had an apartment across the street that she could go to, kept saying this over and over. Staff E called the doctor at 10:49 PM and she gave an order to give IM Haldol and call back if ineffective. At 11:45 PM Staff E called back to doctor and received orders to give other Haldol IM. - On 8/22/22 the Administrator interviewed Resident #1 to see if she remembered anything from			

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	the incident on Saturday (8/20/22) night. She reported that she did not have any issues over the weekend, but last night she had a dream she was fighting with someone here. When asked what they were fighting about, she said they were just yelling at each other. The Administrator asked if it was an employee or another resident, she indicated she did not remember, thought it was a staff member. Resident #1 stated it was only a dream and she was tired. She then wanted the Administrator to leave the room. The Administrator signed and dated the typed statement 8/22/22. - On Saturday 8/20/22 at approximately 9:55 PM, Staff G CNA, witnessed Staff E RN abuse a resident. Resident #1 was attempting to leave the			

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	facility. She had made her way to the entryway from the common area. Staff E informed the resident that she could not leave the building. When Resident #1 did not respond to her statement, Staff E went in to the entry way and grabbed her by the arm to force their way back to the common area. Resident #1 began to struggle, her walker tipped over and she fell to the floor in the doorway to the common area. Staff E let go of the resident to remove the walker from the area. Resident #1 helped herself up off the floor. Staff E came in the common area with a dining room chair. She then grabbed Resident #1 by the shoulders and forced her to sit in the chair. The resident was screaming that she knew her rights and this was abuse; she was crying in shock because of the situation. Staff E then instructed Staff D CNA to get a			

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	flat bed sheet. Staff D complied with the task while Staff E held a hysterical Resident #1 in the chair by holding her shoulders down. Staff D returned a few seconds later with the sheet. Staff E then told Staff D to hold Resident #1 down in the chair as Staff E started to wrap the bedsheet around her leg. Staff D and Staff E did not care that she was screaming, crying and struggling for them to not physically restrain her. As Staff E wrapped the sheet around Resident #1's legs, Staff G exited the facility with Staff F to immediately call and notify the Director of Nursing (DON) of the event they had just witnessed. The hand-written statement was signed and dated on 8/20/22. - Around 9:55 PM on 8/20/22, Staff F witnessed Staff E and Staff D abuse Resident #1. She was			

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	attempting to exit the facility due to being upset that Staff E had taken her cell phone for the night. Resident #1 did not want to enter the common area from the entry way. Staff E then grabbed the resident by the arm and pulled her through the door way back in to the main common area. Resident #1 struggled, knocking over her walker then she landed on the floor. Staff E grabbed the resident's walker and removed it from the area. Resident #1 began to cry and yell at Staff E; you are abusing me, I know my rights. Resident #1 was able to get back to her feet and Staff E grabbed her under both arms and physically restrained her to the chair; Resident #1 began to scream. Staff E instructed Staff D to get a flat bed sheet, she complied and brought the nurse a sheet. Resident #1 was still crying and screaming			

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	while Staff E continued to physically restrained her in the chair. Staff E then instructed Staff D to hold her down as she began wrapping the sheet around Resident #1's leg. Resident #1 was still struggling against Staff E and Staff D. At that time Staff F exited the facility and immediately called the DON and reported the event. The hand-written statement was signed and dated 8/20/22. On 8/22/22 Staff F made an addendum to her statement. After interviewing with the Administrator, Staff F did not intervene out of fear of Staff E retaliating or linking her to the abuse since she was her superior in the situation. Staff F had never been in that kind of situation before and knew she needed to contact the DON immediately. She personally placed a call to the DON in the presence of Staff G. She also added that when Resident #1 fell to			

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	the floor, she was forcefully placed in the chair without an assessment of vitals done. The resident did not seem injured by was immediately restrained with the bed sheet. This addendum was signed and dated by Staff F. - The DON wrote Staff F called and stated her and Staff G were working and the night nurse, Staff E was having trouble with Resident #1 trying to go out the door. It was 10:00 PM on 8/2022 and time for them to leave. Staff G asked Staff D for a sheet and to hold Resident #1 in a chair. When she was getting ready to tie her in the chair, they exited the building and called her at 10:03 PM. Staff F told the DON what she thought was happening. The DON informed her and Staff G that she would need written statements			

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	from them both. The DON received a call from Staff E at 10:45 PM asking for help to figure out what do to with Resident #1 since she was trying to leave the building and setting off the alarm. Resident #1 was disrupting other residents. The DON told her to try calling the on call doctor and see if she could get an order to calm her down. She did not admit to tying Resident #1 to a chair. She had never had an abuse report in all her years as a DON. She did not know or think to call the administrator. She asked for written statements from Staff F and Staff G, then sent pictures of their statements to the Administrator on 8/22/22 and she started the reporting process. Review of the facility's Five Day Investigation Summary revealed the following information: -Date of Incident 8/20/22			

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	- Reported Event: Allegation of Abuse when Administrator became aware of on 8/22/22 - Staff were provided re-education regarding the timeliness of communication of unusual events. On 9/13/22 at 2:09 PM Resident #1 was observed lying in bed with her cell phone on her left hip. When asked if anyone has been mean or unkind to her she stated no. Resident #1 was asked if anyone had ever pushed her to the point of falling, she laughed and stated she had fallen a few times on her own. She then asked if she had eaten lunch yet and remained focused on whether or not she had lunch. On 9/14/22 at 1:12 PM Staff F reported about 9:50 PM on Saturday 8/20/22 her and another staff member were waiting for their shift replacement,			

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	Staff D to come in to work. Resident #1 had been irritated that her phone had been taken away. Her family had requested her cell phone be taken at night but Staff E took it from her about 7:00 PM, before it should have been taken away. Resident #1 was visibly upset: she was exit seeking and setting off the alarms. When Resident #1 walked to the front door, the door alarm was set off that was when Staff E grabbed Resident #1's right arm; she had one hand at the resident's elbow and the other hand was under the resident's right armpit. Staff E pulled Resident #1 from the entry way, knocked her walker over and she fell to the ground on to her knees. Staff F stated she did not visualize any injuries at that time but the nurse did not look her over. At about 9:50-9:55 PM Staff D came up front and Staff E had brought over a chair from the			

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	dining room and asked Resident #1 to take a seat and she said no. Staff E then grabbed her shoulders and forced Resident #1 to sit down. Staff E held Resident #1 in the chair with her hands on top of her shoulders and the resident began to yell and pry Staff E's hands off of her shoulders. Staff E asked if someone could get her a bed sheet but Staff F and G told her no so Staff D retrieved it and gave it to Staff E. Staff E then wrapped the sheet around her right leg as Staff D held her shoulders down to keep her in the chair. Staff E had Resident #1's right leg wrapped with the bed sheet but was unsure if it the sheet was wrapped on the chair. Staff F indicated she could not see for sure from the angle she was at. Staff F stated that was when she and Staff G exited the building to call the DON immediately to notify her of what was going on.			

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Iowa Department of Inspections and Appeals

Health Facilities Division

Citation

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	The DON told her she had already taken her sleeping pills and could not drive to the facility but would call the Administrator to see what needed to be done. When Staff F was asked how Staff E restrained Resident #1 to the chair, she stated she had wrapped the sheet around her right leg while Staff D held her down by pushing her shoulders down from behind. Staff F stated Resident #1 was yelling ow, stop, you are hurting me after she was placed in the chair. She kept saying, I know my rights. She was fighting like hell to get out of the chair. On 9/15/22 at 11:56 PM the DON stated she received a phone call from Staff F on the evening of 8/20/22. Staff F had informed her that Staff E was getting ready to put a sheet around Resident #1. The DON stated			

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	she had never worked with Staff E because she worked the overnight shift. The DON acknowledged she should not have waited until 8/22/22 to report what was reported to her, to the Administrator. When asked why it was not reported sooner, she stated she never had anyone do that before and did not know what to do. She was coached by the Administrator on reporting allegations. She had been a nurse for 22 years and never had an abuse allegation before, she was not sure what to do. On 9/15/22 at 1:55 PM the Administrator stated she had learned of the incident that took place on 8/20/22 on the morning of 8/22/22. She had received a text from the DON with the statements she had received. The text said this happened Saturday			

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	(8/20/22) night. Staff E called her asking for advice on what to do because Resident #1 was wandering and suggested she call the doctor. Staff E had received an order to give a PRN IM. The Administrator stated she came in to the facility, got statements and completed her initial report. She talked to the CNAs to demonstrate what was witnessed. Staff indicated the resident got up on her down before a nurse could assess her. The Administrator asked why no one intervened and Staff F did an addendum. Staff G told her Staff E had a way of turning things around, is vindictive and would make him to be the bad guy. When asked what her thought was on what took place, she stated something happened but could not figure it out for certain. Resident #1 told her she had a bad dream, was arguing with someone and she felt			

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	bad about that. She told the Administrator there was yelling but does not remember what happened, just told her something happened. She asked Staff F and Staff G why they did not call her about the incident, they told her they called their supervisor. The Administrator let them know she was the Abuse Coordinator, which they did not know. She added she had asked the facility to post this for all staff to see but it had not been done at that time. It is post now with the new Administrator's information. On 9/15/22 at 2:29 PM Staff G stated about 9:55 PM or so Resident #1 was agitated, in a delusion or some kind of episode. He stated it all started when Staff E took her cell phone. Resident #1 kept trying to open the exterior door and it would alarm because of her				

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	wander guard. The door would alarm then the facility alarm would activate. He indicated Staff E had had enough of the alarm going off and grabbed Resident #1, forced her back in to the facility from the foyer area. When asked how she grabbed the resident, he stated Staff E had her left arm under the resident's left arm and her right arm around her back. As they were walking back in to commons area, Resident #1 was putting up a struggle and when Staff E let go of the resident, she fell to the floor. While on the floor Staff E removed her walker from the area and grabbed a chair. Resident #1 was able to get herself up by using the door frame and that was when Staff E grabbed the resident and put her in to the chair. Staff E stood in front of Resident #1, while seated in the chair, and put her hands on top of the resident's			

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	shoulders and slammed Resident #1 on to the chair. Staff G was asked if anything was said to the resident at this time, she stated Staff E told the resident she was done and needed to sit inside; she was being demanding and forceful. Staff E then demanded someone to get a bed sheet. Staff D had just got to work, heard her request and got a bed sheet. Staff E continued to hold Resident #1 down in the chair by pressing her shoulders down with her hands. When Staff D returned with the sheet, that was with him and Staff F left the facility to call the DON. As he left the facility Staff E was on her knees in front of Resident #1 and was in the process of wrapping the bed sheet around the leg of the chair. When asked to describe what he saw, he stated she twirled the sheet and had it around the resident's right leg and assumed she was			

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	going to tie her leg to the chair. He added Resident #1's leg and foot was already in front of the chair legs; she was crying and screaming out help why are you doing this. Staff D was holding Resident #1's shoulders down to keep her in the chair. Staff G stated when Staff E grabbed Resident #1 from the door, he stood there thinking, she finally snapped, she had enough. He stated Staff E was difficult to work with. When you would arrive for your shift you never knew how she was going to be: happy, demanding, strict, stern, emotional wreck, mean or angry. On 9/27/22 at 10:15 AM Staff E stated Resident #1 had behavior throughout the day and evening on 8/20/22. Resident #1's family did not want her to have her cell phone because she would call them 50 times a			

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	night. Family wanted staff to take it at night. That evening Resident #1 gave her cell phone to her husband (who also lives in the facility) and he gave it to Staff E to put in the medication room. Resident #1 was screaming at the top of her lungs wanting it. Resident #1 was going up and down the halls, in and out other resident's rooms and drawers. She was literally going in to resident's room, other residents were running out of their rooms, almost falling, residents were crying. She was exit seeking, setting of the door alarms constantly. When Resident #1 would attempt to get out the front door, Staff E stated she would go with her and talk her in to going back to the common area. Staff E stated she had pulled the hall doors shut to slow her down. Residents were scared to death, it was bad and she added she hadn't had				

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	that happen in a long time. They had a resident that needed the help of two staff with incontinent cares and they could not get to her because Resident #1 needed staff with her. Staff E called the DON to get help but she would not come to the facility to assist. She then called the on-call doctor to get an as needed (PRN) order because Resident #1 was screaming and beating on staff. At one time another resident took Resident #1's walker away so she could not walk but Staff E indicated she got it back for her. Staff E was asked if she forcefully put Resident #1 in the chair, she stated when they got the chair, the resident sat down in it. They had to turn it around so it was face her and had to convince her to sit down. When asked if Resident #1 was ever forcefully made to sit down, she stated no. She was at her wits end and needed help,			

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	which is why she called the DON. Resident #1 was asked if she pulled her back in the facility as the resident attempted to leave the building, she indicated they linked arms to turn her around, away from the front entrance door. Resident #1 had her walker at that time and was patting Staff E's hand. When asked how they linked arms she put her hand in towards her rib cage making a triangle with her arm and Resident #1 had her arm linked in with hers. As they were walking Resident #1 knelt down on her knees and prayed, telling god she would not call her family if she got her phone back. Staff E stated she did not understand what Resident #1 was doing and it broke her heart to watch it. Staff E was asked if she held Resident #1 down in the dining room chair, she stated no, she knelt in front of her so they were at eye			

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	level and not towering over her. They began to talk about her kids because she knew this would calm her down but that lasted about 10 minutes then she was back at it again. Staff E indicated call lights were going off like crazy during all of this. Resident #1 took up so much time that she could not help others or do her tasks such as talking her residents during her medication pass times. There were two residents that she talked to every night because they were lonely. But that night she was not able to do so. Staff E was asked why she asked staff to get a bed sheet that night, she stated she did ask that but changed her mind, she just could not do it. She added history shows that is helps residents to calm down and stay calm. When asked what her thought process was at that time, she stated she just wanted to help calm her			

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	down and had thought about putting the bed sheet around her waist. When Resident #1 saw her with the bed sheet, she asked Staff E if she was going to cover her up and she told her no. Staff E was asked if she ever put the sheet around the resident's legs or arm, she said no. Staff E was asked if she was working more than 40 hours a week or 80 hours a pay period (two weeks) she stated oh always, she had overtime every pay period. When asked how much overtime she stated she worked about 90-100 ever two weeks. When asked if she was burned out at that time, she stated she had a lot going on over the last two years. She acknowledged a lot of immediate family members had died in a matter of 4 months. She was stressed, in counseling and it is helping.			

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	On 9/29/22 at 11:33 AM Staff D stated she had arrived to work about 10:00 PM and Resident #1 was already screaming in the dining room. She was unsure what the reason was for her to be screaming. She did notice Resident #1 kept going to the front door to leave and she kept saying they were holding her hostage, wanting to go across the street to her home. Staff D indicated she talked with the resident about not needing to leave the building. Staff D then sat her belongings down and went to the restroom and heard what sounded like skin hitting skin. She was unsure exactly what happened but knew it sounded like someone was hitting someone. It just sounded like skin slapping skin. When she came out of the bathroom Resident #1 was standing near another resident and Staff E was at the nurse's station. She			

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	could tell Staff E was frustrated because she was fidgety, saying there's no reason for this we are not a memory care unit, we are not equipped to do this. Staff D stated call lights were going off, residents that were two assistance needed help but they could not help them because Resident #1 could not be left alone and there were only two staff members working that shift. Staff E called the DON to see what they could but was told to suck it up and call the doctor to get a PRN order. Resident #1 told Staff D they stole her phone so she gave her one the facility's phone to see if that would help. At one point Staff E asked her to get a bed sheet; the first one she brought out was too short, so she got another one. She did not think anything of it because before when there would be water on the floor they would use a sheet to absorb			

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	as much as possible before they would get the mop. She just assumed there was a mess that needed cleaned up. Resident #1 was sitting in a chair near the nurse's station and Staff E put the sheet over the chair's arms, folded it in halve and looped it through the spaces of the arm rests, as Resident #1 sat in the chair. Resident #1 stated you are tying me to a chair, Staff D told her they were not. They needed to calm her down because she was hyperventilating and this seemed to help calm her down. Resident #1 then pulled up the sheet from the chair and walked to the couch and continued to calm down and allowed the PRN shot to be given that Staff D had obtained from the doctor. Staff D stated once that sheet was in place as Resident #1 sat in the chair, she was able to sit and catch her breathe. When asked how long she was in			

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	the chair the sheet looped in front of her, she stated not more than 5 minutes. When asked if the sheet was tied around her legs to the foot of the chair, she said nothing was at the foot of the chair. Staff D was asked if Resident #1 was ever forcefully put in the dining room chair, she stated not that she recalled. There was a moment when Resident #1 was with her walker and tripped Staff E. Staff E took hold of her walker and grabbed the resident, stated that is enough we are going inside. That was the only thing that was really forceful. Staff D was asked if anyone had held Resident #1 down she indicated no one held her down in the chair. She added Resident #1 was not in any condition to get up because of her breathing and she was rocking back and forth.			

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	The facility policy titled Abuse Preventions Program and Reporting Policy revised 8/2019 indicated staff are to immediately separate the resident from the alleged perpetrator. In the care of a direct caregiver being suspected of allegedly abusing a resident, the Administrator (in their absence the DON) must immediately relieve the individual of their duties without pay (suspend) until the investigation is complete. When a nursing facility receives an allegation of abuse, they must report immediately, separate the alleged perpetrator from all potential victims and begin their investigation. FACILITY RESPONSE:			

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