

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

Citation Number: #10400		Date: June 6, 2024		
Facility Name: Windsor Place Senior Living		Survey Dates: May 19, 2024 – May 22, 2024		
Facility Address/City/State/Zip 900 South Stone Street Sigourney, Iowa 52591				
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date

58.43(9)	<p>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)</p> <p>DESCRIPTION:</p> <p>Based on observation, clinical record review, policy review, and staff and resident interviews, the facility failed to report an allegation of abuse to the State Agency when a staff member failed to treat a resident with dignity and respect during positioning (Resident #1) for 1 of 2 residents reviewed for an allegation of abuse. The facility reported a census of 23 residents.</p> <p>Findings:</p> <p>1. The Minimum Data Set (MDS) assessment tool, dated 4/18/24, listed diagnoses for Resident #1 which included severe intellectual disabilities, conduct disorder, and disruptive mood dysregulation disorder (a condition characterized by ongoing irritability, anger, and frequent, intense temper outbursts). The MDS stated the resident exhibited physical behavioral symptoms directed toward others such as hitting, kicking, pushing, and grabbing which occurred on 4-6 days during the 7-day review period and listed her cognition as severely impaired.</p>	II	\$500.00	Upon Receipt
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Facility Administrator

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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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	<p>A 3/28/23 Care Plan entry stated the resident was comforted by being on the floor and may position herself on the floor for comfort.</p> <p>An untitled facility investigation, dated 5/15/24, written by the Director of Nursing (DON) stated staff reported Staff A Certified Nursing Assistant (CNA) "yanked" the resident back by her hood and was choking her. Staff A stated the resident started to go forward in her chair and he grabbed the back of her pants and sweatshirt with one hand and grabbed the upper part of the sweatshirt with the other hand. The facility carried out education that he should grab the shoulder rather than the neck of the shirt. The facility investigation lacked documentation of other resident interviews conducted.</p> <p>The facility lacked documentation they reported the incident to the State Agency.</p> <p>On 5/19/24 at 10:41 a.m., Resident #2 stated Resident #1 tried to get out of her chair and Staff A grabbed her by the hood of her shirt and pulled on it and it choked her. He stated the resident became angry and swung at him. He stated Staff A still worked at the facility.</p> <p>On 5/19/24 at 12:50 p.m., via phone, Staff C (CNA) stated Staff A was trying to scoot Resident #1 back in her chair but he grabbed her by the hood (of her shirt). The resident became upset and swung to hit Staff A and she (Staff C) told him to let her go. She stated Staff A did not know how to do things.</p>			
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	<p>On 5/19/24 at 1:06 p.m. via phone, Staff D CNA was queried with regard to the incident with Staff A and Resident #1. She stated Staff A was new on the floor and no one in the facility received any training with regard to Resident #1. Staff D stated she was not a typical nursing home resident and was a lot more challenging. She stated no one received any training and they just went with their first instincts and this had a lot to do with the scenario. Resident #1 required 1:1 supervision and she (Staff D) was charting on the couch and another resident stated that Resident #1 was about to fall out of her chair. Staff A had her chair laid all the way back and she was on the edge and he had her by her pants and the hood of her shirt. Staff D jumped up and grabbed her pants and the resident tried to get Staff A off her and she swung and hit Staff D in the nose. Staff D noticed in the midst of this that the resident was wet and thought this was why she tried to get out of her chair. Staff D stated she did not feel like Staff A was trying to harm the resident, he just lacked training and knowledge. Staff D stated the resident had red marks on her neck from the shirt's zipper. Staff D stated Staff A continued to work the rest of the shift and also the following Friday.</p> <p>On 5/19/24 at 3:12 p.m., the Administrator stated with regard to the situation with Staff A, she received a phone call that there was a possible abuse. She stated they came in and completed a thorough investigation. She stated she was at the facility within 2 minutes and the resident did not have any red marks or "visible sights of abuse". She stated they educated staff on how to properly prevent a fall and stated they</p>			
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	<p>did not remove Staff A from the facility. She stated Staff A returned to work Friday night and was as needed (prn) so he could potentially return to work. The Administrator stated they provided the survey team with the entire investigation. She stated she would not report an allegation if there were no physical signs of abuse and she did not think there was a concern.</p> <p>On 5/19/24 at 3:26 p.m., the DON stated after she heard of the abuse allegation she immediately assessed the resident and she acted and appeared fine. She stated the resident was scooting out of her chair and Staff A grabbed the back of her shirt so she would not fall face forward. She immediately completed education and called the person who was mentoring the Administrator and he stated there was no harm so put it in a "soft file. She stated the resident did not have any marks. She stated Staff A was prn and could return to the facility any time. She stated she did not talk to any other residents and did not ask the staff members if there were any resident witnesses. She stated she did not ask other residents if they had had concerns with Staff A. The DON stated they would report anything with harm or intent.</p> <p>On 5/19/24 at 3:54 p.m. via phone., Staff D Licensed Practical Nurse (LPN) stated after the incident with Staff A, Resident #1 had red marks on the front of her neck from her sweatshirt which went away in less than an hour.</p>			
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	<p>Observation on 5/19/24 at 4:10 p.m. revealed Resident #1 sat on the very edge of her wheelchair seat and propelled herself with her feet.</p> <p>On 5/20/24 at 8:18 a.m. via phone Staff A stated he was doing 1:1 with Resident #1 and she was about to fall out of the chair and he tried to prevent it by pulling her back from her pants and shirt. He stated after the incident the Administrator and DON explained to him not to hold residents that way.</p> <p>The facility policy, Resident Rights, revised October 2022, stated employees shall treat all resident with kindness, respect, and dignity. Resident rights included the right to a dignified existence and the right to privacy and confidentiality.</p> <p>On 5/22/24 at 2:14 p.m., the Administrator stated after an allegation of abuse, they should assess the situation and carry out immediate protection of the 2 parties. She stated staff should treat residents with dignity and respect and should speak and engage with the residents.</p> <p>The undated facility policy "Abuse" stated all report of resident abuse would be promptly reported to State Agencies.</p>			
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	<p>a. A 3/28/23 Care Plan entry stated the resident was comforted by being on the floor and may position herself on the floor for comfort.</p> <p>An untitled facility investigation, dated 5/15/24, written by the Director of Nursing (DON) stated staff reported Staff A Certified Nursing Assistant (CNA) "yanked" the resident back by her hood and was choking her. Staff A stated the resident started to go forward in her chair and he grabbed the back of her pants and sweatshirt with one hand and grabbed the upper part of the sweatshirt with the other hand. The facility carried out education that he should grab the shoulder rather than the neck of the shirt. The facility investigation lacked documentation of other resident interviews conducted.</p> <p>On 5/19/24 at 9:25 a.m., Resident #1 sat at a table in close proximity to Staff E CNA.</p> <p>On 5/19/24 at 10:41 a.m., Resident #2 stated Resident #1 tried to get out of her chair and Staff A grabbed her by the hood of her shirt and pulled on it and it choked her. He stated the resident became angry and swung at him. He stated Staff A stilled worked at the facility.</p> <p>On 5/19/24 at 12:50 p.m., via phone, Staff C Certified Nursing Assistant (CNA) stated Staff A was trying to scoot Resident #1 back in her chair but he grabbed her by the hood (of her shirt). The resident became upset and swung to hit Staff A and she (Staff C) told him to let her go. She stated Staff A did not know how to do things.</p>			
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	<p>On 5/19/24 at 1:06 p.m. via phone., Staff D CNA was queried with regard to the incident with Staff A and Resident #1. She stated Staff A was new on the floor and no one in the facility received any training with regard to Resident #1. Staff D stated she was not a typical nursing home resident and was a lot more challenging. She stated no one received any training and they just went with their first instincts and this had a lot to do with the scenario. Resident #1 required 1:1 supervision and she (Staff D) was charting on the couch and another resident stated that Resident #1 was about to fall out of her chair. Staff A had her chair laid all the way back and she was on the edge and he had her by her pants and the hood of her shirt. Staff D jumped up and grabbed her pants and the resident tried to get Staff A off her and she swung and hit Staff D in the nose. Staff D noticed in the midst of this that the resident was wet and thought this was why she tried to get out of her chair. Staff D stated she did not feel like Staff A was trying to harm the resident, he just lacked training and knowledge. Staff D stated the resident had red marks on her neck from the shirts zipper. Staff D stated Staff A continued to work the rest of the shift and also the following Friday.</p> <p>On 5/19/24 at 3:12 p.m., the Administrator stated with regard to the situation with Staff A, she received a phone call that there was a possible abuse. She stated they came in and completed a thorough investigation. She stated she was at the facility within 2 minutes and the resident did not have any red marks or "visible sights of abuse". She stated they educated staff on how to properly prevent a fall and stated they</p>			
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	<p>did not remove Staff A from the facility. She stated Staff A returned to work Friday night and was as needed(prn) so he could potentially return to work. The Administrator stated they provided the survey team with the entire investigation. She stated she would not report an allegation if there were no physical signs of abuse and she did not think there was a concern.</p> <p>On 5/19/24 at 3:26 p.m., the DON stated after she heard of the abuse allegation she immediately assessed the resident and she acted and appeared fine. She stated the resident was scooting out of her chair and Staff A grabbed the back of her shirt so she would not fall face forward. She immediately completed education and called the person who was mentoring the Administrator and he stated there was no harm so put it in a "soft file. She stated the resident did not have any marks. She stated Staff A was prn and could return to the facility any time. She stated she did not talk to any other residents and did not ask the staff members if there were any resident witnesses. She stated she did not ask other residents if they had had concerns with Staff A. The DON stated they would report anything with harm or intent.</p> <p>On 5/19/24 at 3:54 p.m. via phone., Staff D Licensed Practical Nurse (LPN) stated after the incident with Staff A, Resident #1 had red marks on the front of her neck from her sweatshirt which went away in less than an hour.</p>			
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	<p>Observation on 5/19/24 at 4:10 p.m. revealed Resident #1 sat on the very edge of her wheelchair seat and propelled herself with her feet.</p> <p>On 5/20/24 at 8:18 a.m. via phone Staff A stated he was doing 1:1 with Resident #1 and she was about to fall out of the chair and he tried to prevent it by pulling her back from her pants and shirt. He stated after the incident the Administrator and DON explained to him not to hold residents that way.</p> <p>The facility policy, Resident Rights, revised October 2022, stated employees shall treat all resident with kindness, respect, and dignity. Resident rights included the right to a dignified existence and the right to privacy and confidentiality.</p> <p>On 5/22/24 at 2:14 p.m., the Administrator stated after an allegation of abuse, they should assess the situation and carry out immediate protection of the 2 parties. She stated staff should treat residents with dignity and respect and should speak and engage with the residents.</p> <p>b. A 12/5/23 Nurses Note stated the resident refused to keep clothes on.</p> <p>A 12/19/23 Nurses Notes stated the resident refused staff assistance to put on a brief and pants.</p> <p>A 12/27/23 Behavior Note stated the resident periodically took her clothes off and staff covered her with a blanket.</p>			
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	<p>A 1/1/24 Nurses Note stated the resident would not leave her pants on.</p> <p>A 3/13/24 Nurses Note stated a Certified Medication Assistant (CMA) reported she heard the curtain to the resident's (#1) room pulled and she observed a male resident exiting the resident's room. The CMA walked into the resident's room and the resident was naked from the waist up.</p> <p>A 3/13/24 Incident Audit Report stated a CMA reported she heard the curtains pulled in Resident #1's room and observed a male resident exiting the room. Resident #1 was naked from the waist up. The CMA did not realize this needed reported right away and the nurse carried out education regarding this.</p> <p>2. The MDS assessment tool, dated 2/1/24, listed diagnoses for Resident #3 which included anxiety, depression, and chronic obstructive pulmonary disease. The MDS listed the resident's Brief Interview for Mental Status (BIMS) score as 15 out of 15, indicating intact cognition.</p> <p>A 6/20/23 Nurses Note stated the resident was observed looking into another resident's room when she was resting in her bed. A Certified Nursing Assistant (CNA) stated she informed the resident that this was not acceptable behavior and to please respect another residents' privacy.</p>			
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	<p>An 11/1/23 Nurses Note stated the resident gave a female resident a drink and the nurse educated him to not feed or provide drinks to other residents. The note stated the resident seemed to have "taken a liking" to this particular resident.</p> <p>An 11/21/23 Nurses Note stated the resident was in a fellow female resident's room and the nurse encouraged the resident to leave the room as he was not invited into her room and was kindly asked to leave. This resident was also noted to be giving the female resident a glass of juice and staff reminded the resident that he had already been educated on not feeding or giving drinks to other residents. The resident screamed "no one ever told me that garbage".</p> <p>An 11/29/23 Nurses Note stated staff observed the resident feeding a fellow female resident and the nurse educated him it was unsafe for him to feed other residents.</p> <p>A 12/17/23 Nurses Note stated the resident walked behind a female resident at lunch and asked staff if the resident had a bra on and ran his hand over her shoulder.</p> <p>A 3/5/24 Behavior Note stated the resident kept entering a resident's room and opened the door and pulled the curtain back. The family requested that he not go in her room or open her door. The nurse explained this to the resident and he used an expletive and "stormed" away.</p>			
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	<p>A 3/10/24 Nurses Note stated the resident attempted to take another resident to her room and staff informed him this was not allowed and a CNA would take the resident to her room to dress her.</p> <p>The resident's Care Plan lacked documentation the resident had a history of entering other resident's rooms and lacked direction to staff regarding guidance related to his supervision.</p> <p>On 5/21/24 at 8:36 a.m. the Director of Nursing (DON) stated Staff J heard the curtain closed and Resident #3 walked out of Resident #1's room and Resident #1 was naked which wasn't super unusual for the resident. She stated she didn't know if he was peeking at her but they had to protect Resident #1. They turned the situation in as abuse and called the police. The DON stated it was upsetting because Resident #1 had the mental capacity of a small child. She stated the sheriff's office came and said they would issue him a ticket for trespassing but when they input his name, they found he had a warrant in another county so he was arrested. She stated they issued him an emergency 3-day discharge while he was in jail.</p> <p>On 5/21/24 at 11:04 a.m., Staff J stated she heard Resident #1's room curtain shut and saw Resident #3 walk out of her room. When she went into Resident #1's room, she was sleeping but had her clothes off. She stated she did not report it right away but thought she did within the hour. She stated she assumed another staff member reported it but wasn't sure which</p>			
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	<p>staff member that was. She stated after she (Staff J) informed the DON, the residents were kept apart.</p> <p>On 5/21/24 at 12:24 p.m. Staff H Licensed Practical Nurse (LPN) stated there were a couple female residents Resident #3 was friendly to and on one instance he took Resident #13 and said he was going to assist her into her pajamas. She stated this resident was not cognitively intact and she had to intervene.</p> <p>On 5/21/24 at 12:42 p.m., the DON stated she was not aware he tried to assist a resident in getting ready for bed. She stated she would want staff to notify her right away if he was exiting Resident #1's room. She stated she did not locate a timeline for the day in question but would continue looking. She stated she was not aware that he rubbed another resident's shoulders and stated she could not care plan for issues she did not know about.</p> <p>On 5/22/24 at 2:14 p.m., the Administrator stated after an allegation of abuse, they should assess the situation and carry out immediate protection of the 2 parties.</p> <p>On 5/22/24 at 2:50 p.m., the DON stated if she had known about Resident #3 being in other resident rooms, she would have care planned and directed staff to know what he was doing on a regular basis.</p> <p>The facility policy, Resident Rights, revised October 2022, stated residents had the right to privacy.</p>			
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	<p>The undated policy "Abuse", stated the facility would carry out timely and thorough investigations of all reports and allegations of abuse and stated the alleged perpetrator would immediately be removed and the resident protected.</p> <p>FACILITY RESPONSE:</p>			
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