

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

<b>Citation Number:</b> <b>#10705</b>		<b>Date:</b> <b>January 8, 2025</b>		
<b>Facility Name:</b> <b>Aspire of Perry</b>		<b>Survey Dates:</b> <b>December 9, 2024 – December 17, 2024</b>		
<b>Facility Address/City/State/Zip</b> <b>2625 Iowa Street</b> <b>Perry, Iowa 50220-2413</b>		<b>CP</b>		
<b>Rule or Code Section</b>	<b>Nature of Violation</b>	<b>Class</b>	<b>Fine Amount</b>	<b>Correction date</b>

<b>58.11(1)h</b>	<b>481—58.11(135C) Personnel.</b> <b>58.11(1)</b> General qualifications. <b>h.</b> Nurse aides may be utilized in accordance with the requirements in 441—subrule 81.13(19) and rule 441—81.16(249A). Nurse aides who have received training other than the Iowa state-approved program must pass a competency evaluation approved by the department of inspections and appeals in accordance with 441—subrule 81.13(19) and rule 441—81.16(249A). Evidence of prior formal training must be presented to the facility or institution conducting the challenge examination before the examination is given. The approved facility or institution, following department of inspections and appeals guidelines, shall make the determination of who is qualified to take the examination. Documentation of the challenge examinations administered shall be maintained.			
+ <b>58.11(3)</b>	<b>481—58.11(135C) Personnel.</b> <b>58.11(3)</b> Employee criminal record checks, child abuse checks and dependent adult abuse checks and employment of individuals who have committed a crime or have a founded abuse. The facility shall comply with the requirements found in Iowa Code section 135C.33 and rule 481—50.9(135C) related to completion of criminal record checks, child abuse checks, and dependent adult abuse checks and to	<b>CLASS II</b>	<b>\$500.00</b>	<b>UPON RECEIPT</b>

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Facility Administrator

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+ 58.21(6)d(4)e	<p>employment of individuals who have committed a crime or have a founded abuse. (I, II, III)</p> <p><b>481—58.21(135C) Drugs, storage, and handling.</b>  <b>58.21(6)</b> A properly trained person shall be charged with the responsibility of administering nonparenteral medications.  <b>d.</b> A person who is a nursing student may take the challenge examination in place of taking a medication aide course. This individual shall do all of the following before taking the medication aide challenge examination:  <b>(4)</b> Successfully complete a department-approved nurse aide competency evaluation.  <b>e.</b> A person who has written documentation of certification as a medication aide in another state may become a medication aide in Iowa by successfully completing a department-approved nurse aide competency examination and a medication aide challenge examination</p> <p><b>DESCRIPTION:</b></p> <p>Based on observation, interviews and record review, the facility failed to ensure that background checks were cleared before staff worked in the resident</p>			
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	<p>population. An agency staff worked 3 shifts as a Certified Nurse Aide (CNA) with a suspended certification due to abuse. The same staff worked 1 shift passing medications as a Certified Medication Aide (CMA) without verification of education or certification as a CMA. The Director of Nursing (DON) started working for the facility before a background check had been completed. The facility reported a census of 33 residents.</p> <p>Findings include:</p> <p>1) In an observation on 12/9/24 at 3:31 PM, Staff B, CMA was at the medication cart and fumbled through the med cards to find medications. She went from the second drawer to the third drawer several times, then went to Staff A, CMA for assistance. He looked in the cart and pulled out a bubble pack of pills and handed it to her.</p> <p>On 12/9/24 at 4:00, Staff B and Staff A were at the medication cart counting the narcotics at shift change. Staff A expressed frustration as he instructed Staff B to document on the narcotic sheet at the time of administration because the count for several narcotics had been off. Staff B said she was taught to document at the end of the shift.</p>			
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	<p>On 12/10/24 at 8:57 AM Staff B said that she had just started at the facility and she did not get any orientation on the medication cart. She said that she was just given the keys and left to figure it out on her own. When asked where she received her medication aide certificate she said "I didn't get it around here."</p> <p>On 12/11/24 at 2:51 PM Staff A said he had trouble with Staff B the previous day on the medication cart because she didn't seem to understand. Staff H, Scheduler, said others had noticed that she was struggling, and many times, she had to ask someone to help her find the medications.</p> <p>On 12/11/24 at 10:55 AM, Staff H, scheduler, said she did not have a file for Staff B or an orientation checklist. On 12/12/24 at 8:30 AM, Staff H said that some of the staffing agencies that the facility contracted with would provide access to their portal so she could see the staff information, but the Staffing Agency (SA) that hired Staff B had not provided copies of background checks or certification verification. Staff H said that she had reached out to them to get a copy of her file.</p> <p>A Single Contact License and Background Check (SING) dated 12/11/24 at 12:07 PM, showed that Staff B was</p>			
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	<p>ineligible to work in Iowa and further research was required.</p> <p>A report from the Direct Care Worker website on 12/11/24 at 2:28 PM, revealed that the status of Staff B, Certified Nurse Aide was listed as "abuser."</p> <p>On 12/12/24 at 9:14 AM, a representative from the SA said that she was in charge of the contracts and scheduling for the facilities, and not responsible for taking applications or doing the background checks. She said they had a Human Resources Department and did not understand how Staff B had been sent out to work in a facility when she was ineligible. The SA representative said that she talked to Staff B and asked her about her CMA certification. Staff B just responded that she would get a copy to her, but she would not tell her where she had gotten her education.</p> <p>As of 12/17/24 at 12:45 PM, the SA had not returned requests to call on 12/12/24 at 11:25, and 12/16/24 at 1:28 PM.</p> <p>On 12/12/24 at 11:52 AM, the Director of Nursing (DON) said that the day that Staff B was working on the medication cart was "horrible." She said that the staff member was confused, and looked like she</p>			
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	<p>hadn't ever administered medications before. The DON said that the Agency was responsible for doing the background checks and the facility must be able to trust that they are doing their job to verify licensure and certification. She said that the facility did not have the time to be looking up the background of all agency staff.</p> <p>An investigation of all the agency staff that were scheduled to work at the facility in the previous 3 months, revealed that Staff K, CNA did not have a valid certification as a nurse aid.</p> <p>On 12/16/24 at 4:30 PM, the Administrator said that she was in touch with the agency and they did not have verification that Staff K, CNA had a certification. She said that Staff K hadn't actually worked at the facility because she called in sick the one day that she was scheduled.</p> <p>According to the facility policy titled: Abuse Prevention Program, Prevention of Abuse, review date of 4/2025, the community would establish policies and procedures encompassing all facets of the Abuse Program, including screening. The abuse prevention/intervention program included conduction of background investigations per state regulations.</p>			
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+	<p>2. Record review of the Director of Nursing (DON) Single Contact License &amp; Background Check was ran on 11/22/24 and due to further research required not completed until 11/26/24.</p> <p>Record review of the DON's time sheet revealed she was employed by the facility on 11/22/24 and worked the following hours:  11/22/24 - 8.75 hours  11/23/24 - 9 hours  11/24/24 - 7.5 hours  11/25/24 - 11.5 hours  11/26/24 - 11.5 hours</p> <p>During an interview on 12/11/24 at 11:42 AM, Staff H, Certified Nurse Aide (CNA), Scheduler, revealed the Administrator instructed the DON she was allowed to start working at the facility but to stay away from residents.</p> <p>During an interview on 12/12/24 at 12:44 PM, the DON revealed she started at the facility on 11/12/24 and was supposed to meet with Staff N, Human Resources Manager but she was not in the building to do her paperwork. She then informed she is aware a background check needs to be completed but didn't have it done.</p>			
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<p><b>58.43(9)</b></p> <p>+</p> <p><b>58.41(2)b</b></p>	<p><b>481—58.43(135C) Resident abuse prohibited.</b> 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.</p> <p><b>58.43(9)</b> 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><b>CLASS II</b></p>		
	<p><b>481—58.41(135C) Residents’ rights.</b> Each resident shall be encouraged and assisted throughout the resident’s period of stay, to exercise rights as a resident and as a citizen and may voice grievances and recommend changes in policies and services to administrative staff or to outside representatives of the resident’s choice, free from interference, coercion, discrimination, or reprisal. (II)</p> <p><b>58.41(2)</b> The facility shall implement a written procedure for registering and resolving grievances and recommendations by residents or their responsible party. The procedure shall ensure protection of the resident from any form of reprisal or intimidation. The written procedure shall include:</p> <p><b>b.</b> A method of investigating and assessing the validity of a grievance or recommendation. (II)</p>	<p><b>CLASS II</b></p>		

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	<p><b>DESCRIPTION:</b></p> <p>Based on observation, clinical record review, staff and resident interviews and facility policy review, the facility failed to implement interventions to safeguard the dignity and wishes of Resident #34 after a Resident to Resident incident between Resident #34 and Resident #18. The facility reported a census of 33.</p> <p>Findings include:</p> <p>The Minimum Data Set (MDS) Assessment of Resident #34, dated 8/12/24, identified a Brief Interview of Mental Status (BIMS) score of 15 which indicated cognition intact. The MDS documented the resident experienced delusions during the 7 day look back period. The MDS documented diagnoses that included depression, bipolar disorder, psychotic disorder and schizophrenia.</p> <p>The MDS Assessment of Resident #18, dated 10/6/24 identified a BIMS score of 15 which indicated cognition intact. The MDS documented the resident exhibited behavioral symptoms not directed toward others such as hitting or scratching self, pacing, rummaging, public sexual acts, disrobing in public,</p>			
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	<p>throwing or smearing food or bodily wastes, or verbal/vocal symptoms like screaming, daily during the 7-day look back period. The MDS documented diagnoses that included anxiety and depression.</p> <p>On 12/9/24 at 3:06 pm, Resident #34 reported she had recently been standing near the nurse's desk, conversing with an employee. She stated Resident #18 was self-propelling his wheelchair past her, and his arm went up her leg and then to her right buttocks. She said that he made a statement of not trying to do anything to her. She stated he touched her with his hand, and it was not a "brush up with his arm". She said it made her wonder, as nobody expects anything like that to happen."</p> <p>On 12/9/24 at 2:56 pm, Resident #18 stated he had bumped into Resident #34. He stated it was accidental and he apologized.</p> <p>The Contact Form for Facility Reported Incidents revealed the date of the incident to be 12/5/24.</p> <p>The Social Services Progress Note in the Electronic Health Record (EHR) of Resident #34, dated 12/5/24, authored by the Director of Nursing (DON), documented Resident #34 reported Resident #18 touched her bottom and it made her feel</p>			
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	<p>uncomfortable. The DON documented she made all necessary notifications. The note failed to document any interventions put in place to keep Resident #34 and Resident #18 separated.</p> <p>The Social Services Progress Note in the EHR of Resident #18, effective date 12/6/24, created date 12/10/24 (late entry), authored by the Director of Nursing, documented Resident #18 thought he had bumped the foot of Resident #34 with his wheelchair as he was passing by. The note documented Resident #18 reported he patted her bottom to apologize and denied the touch as being sexual. The note failed to documented any interventions put in place to keep the two residents separated.</p> <p>The Witness Statements by three facility staff members on duty on 12/5/24 revealed statements were gathered five days later, on 12/10/24. None of the statements documented any interventions put in place to keep the two residents separated.</p> <p>On 12/10/24 10:54 AM, The Care Plan of Resident #18 was reviewed. The Care Plan revealed a focus area dated 10/5/24 noted alleged inappropriate behavior towards a female. It failed to reveal any documentation of interventions to keep Resident #18 and #34 separated.</p>			
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	<p>On 12/10/24 at 10:56 am, the Care Plan of Resident #34 was reviewed. It failed to reveal any documentation of interventions to keep Resident #34 separated from Resident #18.</p> <p>On 12/10/24 at 11:43 am, the DON stated no staff had directly witnessed the incident between the two residents. She stated Resident #34 had felt Resident #18 touch her bottom and it made her feel uncomfortable. The DON stated Resident #34 had initially reported this to Staff I, Certified Nurse Aide (CNA) and Staff I then brought Resident #34 to the DON office. The DON further stated Resident #18 had admitted to patting the buttocks of Resident #34 as an apology for bumping into her. She stated she believed Resident #18's intentions were not sexual. She stated Resident #34 is not always "the most reliable".</p> <p>The DON further stated the two residents live on separate hallways. She stated the incident happened on a Thursday and she followed up with Resident #34 the next Monday. She said Resident #34 reported no further concerns. She added the two residents do not eat at the same table or attend the same activities. She stated the care plans had not been updated for either resident as the facility was still in the window</p>			
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	<p>for submitting a five day follow up on the incident. She stated she would update the care plans of both residents for staff to monitor the two residents to make sure they are kept apart. She said staff that were on duty on 12/5/24 did receive education but no further staff received any education at that time.</p> <p>On 12/10/24 at 11:52 am, the State Surveyor was standing at the nursing desk waiting for Staff G, Licensed Practical Nurse (LPN) to complete a phone call. The State Surveyor observed the DON and Staff I, CNA speaking privately in the dining room.</p> <p>On 12/10/24 at 11:55 am, Staff G, LPN stated when Resident #34 told her concerns to Staff I, CNA, Resident #34 was then taken to the DON office to notify her. She stated the facility had an abuse hotline flyer at the nursing station. She stated no direction was given to her to keep the residents separated but she stated she would consider that a given to do in this situation and kept an eye on the residents.</p> <p>On 12/10/24 at 12:01 pm, Staff I, CNA stated she was sitting at the nurse's station charting on 12/5/24 when Resident #34 came to her and told her Resident #18 had went past her in his wheelchair and had "groped her behind". She stated she told Resident #34 she needed to report this to the DON and she</p>			
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	<p>took Resident #34 to the DON office. She stated the DON told her to keep the residents separated and to check on the residents every 15 minutes. She stated the 15-minute checks were to be completed every 15 minutes.</p> <p>On 12/10/24 at 12:08 pm, Staff J, CNA stated she did not know have any information on the interaction between Resident #18 and Resident #34. She stated she did not witness anything. She further stated she received no education regarding the two residents and nobody asked her to watch the two of them.</p> <p>On 12/10/24 at 12:09 pm, Staff A, Certified Medication Aide (CMA) stated he came on duty at 2:00 pm on 12/5/24. He stated he had no knowledge of any incident between the two residents and nobody at the facility had said anything to him about it. He was unaware of any incident prior to the State Surveyor asking him.</p> <p>On 12/10/24 at 12:49 pm, Resident #34 was observed sitting at the far end of the dining room, near the exit to the patio. Staff J, CNA, stated that was not the resident's normal place to sit in the dining room.</p> <p>On 12/10/24 at 12:55 pm, Resident #34 stated she was sitting in at a different table because a different</p>			
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	<p>resident was sitting in her normal spot when she arrived to the dining room. When asked about how she was feeling regarding Resident #18, Resident #34 replied she felt scared because she felt it could happen again because Resident #18 knew what he was doing.</p> <p>In a follow up interview on 12/10/24 at 1:00 pm, Resident #18 stated the facility staff asked him what had happened during the incident and he told them. He stated he said he was sorry and the facility staff said ok. He denied receiving any direction or requests to keep distance from Resident #34.</p> <p>The Care Plan of Resident #18 was updated on 12/10/24 by the DON to keep Resident #18 and Resident #34 separated as much as possible. It directed staff to not sit the two residents together in the dining room or at activities. It additionally directed staff to attempt to keep Resident #18 from going down Resident #34's hallway as much as possible.</p> <p>The Care Plan of Resident #34 was updated on 12/10/24 by the DON. A revision was made to the Focus Area of risk for behavior problems indicating an incident of reporting to staff a male resident touching her on her bottom. It directed staff to keep Resident</p>			
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\_\_\_\_\_  
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).**

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

Citation Number: <b>#10705</b>		Date: January 8, 2025		
Facility Name: Aspire of Perry		Survey Dates: December 9, 2024 – December 17, 2024		
Facility Address/City/State/Zip 2625 Iowa Street Perry, Iowa 50220-2413		CP		
Rule or Code Section	Nature of Violation		Class	Fine Amount

	<p>#34 and Resident #18 away from each other as much as possible, to not have them next to each other in dining room or activities. It additionally directed staff to discourage Resident #34 from being near Resident #18.</p> <p>The Facility Policy Resident-to-Resident Altercations F600, revision date 10/2022 documented the following:</p> <p>Point 2:</p> <ul style="list-style-type: none"> <li>a. Separate the residents, and institute measures to calm the situation;</li> <li>b. Identify what happened, including what might have led to aggressive conduct on the part of one or more of the individuals involved in the altercation;</li> <li>c. Provide and document re-direction and provide protection as required by the situation</li> <li>d. Notify each resident's representative and Attending Physician of the incident;</li> <li>e. Review the events with the Nursing Supervisor and Director of Nursing, including interventions to try to prevent additional incidents;</li> <li>f. Consult with the Attending Physician to identify treatable conditions such as acute psychosis that may have caused or contributed to the problem;</li> <li>g. Make any necessary changes in the care plan approaches to any or all of the involved individuals</li> </ul>			
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Facility Administrator

\_\_\_\_\_  
Date

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	h. document in the resident's clinical record all interventions and their effectiveness;  <b>FACILITY RESPONSE:</b>			
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Facility Administrator

\_\_\_\_\_  
Date

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