

**Iowa Department of Inspections and Appeals
Assisted Living Program
Complaint Investigation Report**

Assisted Living Program:

Complaint Intake #: 8042

Barbara Faust
Bickford Cottage
3500 Lower West Branch Road
Iowa City, IA 55240

Date of Investigation:

December 22, 2004

Monitor(s):

Stephanie Cummins, SW

Definitions:

The following definitions are relevant:

Regulatory Insufficiency - A violation of a statutory or rule provision within the Iowa Code or Iowa Administrative Code (IAC) governing assisted living programs. A regulatory insufficiency requires a plan of correction to be presented to, and approved by, the Department of Inspections and Appeals (DIA).

Plan of Correction - A written response to one or more regulatory insufficiencies that are rule violations [321 IAC 26.2(5)(a)]. The plan should identify how, and by a specific date, an insufficiency will be corrected. The plan is due to DIA within ten (10) working days of the program's receipt of a Complaint Investigation Report. Depending on the circumstances, DIA may re-visit the assisted living program to confirm progress in fulfilling a plan's corrective measures.

Dementia-specific assisted living program - An assisted living program certified under 321 IAC - chapter 25 that either serves five or more tenants with dementia or cognitive disorder staged between 4 and 7 on the Global Deterioration Scale or holds itself out as providing special care for persons with cognitive disorder or dementia, such as Alzheimer's disease, in a dedicated setting.

Overview:

A complaint investigation on-site visit was conducted at Bickford Cottage on December 22, 2004. In preparing this report, the following information was considered:

Current Program Census:

General Population Program (GPP) – Not applicable.

Dementia Specific Program (DSP) –

Current number of tenants in a DSP that serves 5 or more tenants with dementia or cognitive disorder staged between 4 and 7 on the Global Deterioration Scale (GDS): 5

Current number of tenants without cognitive disorder: 22

Total Population: 27

Accreditation Status – Not applicable.

Complaint History – There were substantiated complaints in the areas of evaluation of tenant, occupancy and transfer, medications, and general requirements this certification period.

Complaint Investigation – The complaint investigator(s) made the observations detailed in the following areas.

A. Assisted Living Definition – Program encourages family involvement, tenant self-direction, and tenant participation in decisions that emphasize choice, dignity, privacy, individuality, shared risk, and independence. [Iowa Code section 231C.2]

Complaint Allegation: It was alleged a tenant was restricted from using the program's telephone to receive telephone calls.

- **Monitoring Observation:** Review of the tenant file and interviews with Administrative staff indicated Tenant #1 was admitted to the program on 10-24-04. Through a conversation with the former Administrator it was noted that the Durable Power of Attorney (DPOA) for Tenant #1 requested, upon admission, that the tenant not receive any contact with friends or family from Minnesota. The DPOA explained that a no contact order was in process and the DPOA was concerned about contact between Tenant #1 and relatives in Minnesota. The DPOA also indicated there was a case pending with the Department of Human Services in Minnesota that involved the persons from Minnesota. Tenant #1 was admitted and the former Administrator posted a note to staff that Tenant #1 was not allowed personal visits or phone calls without prior approval from the DPOA. According to the former Administrator the note listed three people specifically that Tenant #1 was not to speak with. Tenant #1 did not have a telephone in the apartment. According to progress notes a call was received on 10-30-04 and the individual was not allowed to speak with Tenant #1. The State Ombudsman was at the program on 11-23-04 and spoke with Tenant #1. The Ombudsman later informed the former Administrator that the note could not be posted and the note was taken down. According to the former Administrator and progress notes, people from Minnesota began calling and spoke with Tenant #1 almost every day after the note was taken down. According to staff interviews a couple entered the program on 12-11-04 and asked to take Tenant #1 out to lunch. According to staff, the couple did not request medications for the tenant and the tenant did not take any personal items. The regional nurse stated staff had some concerns about letting this tenant leave; however, the note that requested no contact without approval had been removed. The tenant did not return to the program in an appropriate timeframe and it was reported to the authorities. The tenant was found in Minnesota with the individuals who had taken her out to lunch. Tenant #1 is currently in protective custody. According to progress notes, the tenant required hospitalization for five days after the incident. The DPOA for the tenant was pressing charges against the couple that removed the tenant from the program. The DPOA petitioned for an emergency guardianship and this was granted and signed by the Judge on 12-14-04. The DPOA did not have a no contact order or guardianship at the time of the original request for no contact. The tenant scored a 19 on the Mini Mental Status Exam and had not signed the occupancy agreement or service plan.
- **Regulatory Insufficiency:** The program did not support the tenant's autonomy by allowing the tenant to receive telephone calls and visits by family and friends.

Dated this 28th day of December 2004.