

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

Assisted Living Program:

Complaint Intake #: 12512

Ms. Jeanine Chartier, Administrator
Char-Mac Assisted Living
200 E. Char-Mac Drive
Lawton, IA 51030

Date of Investigation:

October 25, 2005

Monitor(s):

Hal L. Chase, RN BSN MPH

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 revisit 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 Char-Mac Assisted Living on October 25, 2005. In preparing this report, the following information was considered:

Current Program Census:

General Population Program (GPP)* – A program that is not a Dementia Specific program, but may have tenants with cognitive disorder.

Current number of tenants without cognitive disorder: 35

Current number of tenants with cognitive disorder: 1

Total Population: 36

Dementia Specific Program (DSP) – Not applicable.

***These are the census numbers represented by the program to be applicable.**

Accreditation Status – Not applicable.

Complaint History – There are no substantiated complaints this certification period.

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

A. Occupancy Agreement – The program shall enter into an occupancy agreement with the tenant or tenant’s legal representative, if applicable, prior to the tenant’s taking occupancy that clearly describes the rights and responsibilities of the tenant and of the program, and shall sign a managed risk policy disclosure statement. [321 IAC 25.22]

Complaint Allegation: It is alleged the program did not give tenants a 30-day written notice before a rate increase was implemented. It is also alleged the program billed the former tenant incorrectly and was charged for cleaning services he/she should not have been charged for. It is alleged the program denied a former tenant access to the program to visit with tenants who reside at the program.

- Monitoring Observation: A review of the program’s occupancy agreement indicates the program will give tenant a “30-day advanced notice if changes are based upon economic necessity.” A letter dated July 29, 2005 was given to tenants announcing a change in fees effective September 1, 2005. On August 19, 2005 another letter was mailed to tenants reminding tenants of a rate increase. Four tenants interviewed state they received letters from the program on July 29, 2005, and again on August 19, 2005, about a rate increase taking affect on September 1, 2005.

A former tenant was charged for cleaning services after leaving the program. A letter dated September 30, 2005, was mailed to the former tenant. Charges for cleaning services were listed but not itemized. The program’s occupancy agreement states under Rights and Responsibilities, “Char-Mac shall charge for any soiled or stained carpets. Char-Mac will repair or replace damages at resident’s expense back to original condition of apartment lease period.” The program supplied photos of what cleaning needed to be done in the apartment and itemized worksheets detailing the work. Professional extermination of cockroaches was listed in the itemized worksheet given to the former tenant; however, the tenant was not charged for this service. The program agreed to send the tenant a revised itemized worksheet detailing the cleaning services the tenant was charged. A refund was sent to the former tenant for the last month’s rent minus seven days rental and cleaning fees.

A letter was sent by the owner to the former tenant on September 24, 2005 asking the former tenant to “refrain from returning to Char-Mac, as this is my personal property.” Four tenants interviewed state they have visitors “all the time” and do not know of anyone they cannot see.

- Regulatory Insufficiency: None noted.

Dated this 2nd day of November 2005.