

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

Assisted Living Program:

Complaint Intake #: 11832

Jim Lambert, Executive Director
Silvercrest Garner Farms
1575 53rd Street
Davenport, IA 52806

Date of Investigation:

May 8, 2007

Monitor(s):

Stephanie Cummins, SW MA

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 Silvercrest Garner Farms on May 8, 2007. 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:	53
Current number of tenants with cognitive disorder:	1
Total Population:	54

Dementia Specific Program (DSP)* – A program that is a Dementia Specific Program by definition or holds itself out as providing specialized care in a dedicated setting but may have tenants without cognitive disorder.

Current number of tenants in a DSP that holds itself out as providing specialized care in a dedicated setting:	10
Current number of tenants without cognitive disorder:	1
Total Population:	11

***These are the census numbers represented by the program to be applicable at the time of the on-site.**

Accreditation Status – Not applicable.

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

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

A. Service Plan – Program has an individualized service plan developed and updated for each tenant as required. [321 IAC 25.28]

During the course of the investigation, the following information was obtained.

Monitoring Observation: Tenant #1, 55 a year old, was admitted on 9-23-05 and has a diagnosis of: Huntington's Disease. The tenant has a managed risk agreement dated 8-10-06. The agreement states the program has concerns the tenant leaves the program and walks long distances at a variety of times of day and in a variety of weather conditions. During several of these walks, the tenant has been picked up by the local Police Department, who has been concerned about his/her safety and have questioned if he/she is impaired by some substance due to the tenant's gait and speech. The tenant's most recent service plan developed on 6-20-06 does not address these concerns or behaviors.

- Regulatory Insufficiency: The program did not develop a service plan that reflects the current and identified needs of the tenant.

B. Staffing - The provisions of this section address the program's staffing and training practices and associated documentation in responding to the identified needs of the tenant. [321 IAC 25.33]

Complaint Allegation: It was alleged a staff broke tenant confidentiality when discussing concerns with Tenant #1 to an individual on the phone.

Monitoring Observation: Staff sign Confidentiality Statements regarding tenant confidentiality. Staff #1, an office staff, indicates he/she received a call regarding Tenant #1. The caller was concerned about Tenant #1 and his/her safety out in the community. The caller had brought the tenant back to the program over the weekend, according to a staff interview. Staff #1 indicates he/she "might" have revealed the tenant's diagnosis to the caller. Staff #1 indicates he/she did not disclose the tenant's name and neither did the caller. Staff #1 had a signed Confidentiality Statement.

- Regulatory Insufficiency: The program does not have appropriately trained staff.

C. Managed Risk Statement – Program has a managed risk statement which includes the tenant's or legal representative's signed acknowledgement of the shared responsibility for identifying and meeting needs and the process for managing risk and upholding tenant autonomy when tenant decision making may result in poor outcomes for the tenant or others. [321 IAC 25.36]

Complaint Allegation: It was alleged Tenant #1 was found walking outside the program with difficulty ambulating. The tenant was assisted to the program by two community members.

Monitoring Observation: The tenant has a managed risk agreement dated 8-10-06. The agreement states the program has concerns the tenant leaves the program and walks long distances at a variety of times of day and in a variety of weather conditions. During several of these walks the tenant has been picked up by the local Police Department,

which has been concerned about his/her safety and had questioned if he/she was impaired by some substance due to the tenant's gait and speech. The tenant's choice, as indicated on the managed risk agreement, was to maintain autonomy and the tenant wants to leave the program at anytime he/she wishes and go wherever he/she wishes to go. The probable consequences of the tenant's choice is that the tenant could fall and be injured without help anywhere near, which could result in the tenant being unable to get help, perhaps for an extended period of time, according to the agreement. The tenant will continue to be picked up by the local Police Department, as they are concerned for the tenant's safety and what is in his/her best interest. The possible alternatives listed on the agreement include: rather than walk to places other than Casey's Gas Station or Fareway (both are located on the same block as the program) the tenant would get a ride to wherever he/she wishes to go outside the program. The tenant would carry documentation at all times of his/her condition that would indicate to anyone questioning his/her possible impairment that the tenant had been affected by his/her medical condition and not by a substance. The final agreement portion of the managed risk agreement was not completed. Updates on the agreement include: 8-17-06, 8-31-06 and 9-30-06. The document was not signed by the tenant and a program representative at each update. The agreement was initially signed by the tenant, the tenant's family and the Executive Director on 8-10-06. The Executive Director and the nurse indicate the tenant leaves the program at least one time per week in good weather. The tenant has had no recent injuries or poor outcomes related to leaving the program. According to nurse's notes on 4-21-07 at 11:30 a.m. the tenant was brought back to the program by a man and woman who assisted the tenant while he/she was out. The man told staff the tenant was leaning and he tried to help the tenant and they were assisted by a woman who brought them to the program. The notes state the tenant told staff he/she had fallen. The tenant received a 12/12 on the most recent cognitive assessment completed on 12-18-06.

- Regulatory Insufficiency: The program did not consistently develop a completed managed risk agreement which acknowledges the shared responsibility for identifying and meeting tenant's needs and the process for upholding tenant autonomy when decision making may result in poor outcomes for the tenant or others.

Dated this 18th day of May, 2007.