

INSPECTIONS & APPEALS

CHESTER J. CULVER
GOVERNOR

DEAN A. LERNER, DIRECTOR

PATTY JUDGE
LT. GOVERNOR

**DEMAND LETTER
CERTIFIED**

December 3, 2009

Incident Intake: #25080-M

Patricia McNichol, Director
Bickford Cottage of Iowa City
3500 Lower West Branch Rd
Iowa City, IA 52245-4106

RE: I. Final Incident Investigation Report – Bickford Cottage of Iowa City, Iowa City, IA
II. Appeals/Hearings
III. Civil Penalty
IV. Conclusion

Dear Ms. McNichol:

Enclosed is the **Final Incident Investigation Report** completed by the Department of Inspections and Appeals (DIA) in accordance with Iowa Code chapter 231C, 321 Iowa Administrative Code (IAC) chapter 25 (pertaining to assisted living programs), and 321 IAC chapter 26 (pertaining to monitoring, civil penalties, and complaints). The report notes a Regulatory Insufficiency in the area of Other (lack of notification to DIA). Bickford Cottage of Iowa City (Program) is being assessed a one thousand dollar (\$1000.00) civil penalty.

II. Appeals/Hearings

The Program may appeal the DIA decision in accordance with 321 IAC rule 26.4, within 30 days of this notice, by submitting a request for appeal to DIA. A contested case hearing will be held pursuant to 481 IAC chapter 10. If the Program appeals, the civil penalty will be suspended, pending the appeal process.

III. Civil Penalty

If, within thirty (30) days of the receipt of this demand letter, you (1) do not request a formal hearing or withdraw your request for formal hearing, and (2) pay the penalty, the assessed penalty will be reduced by thirty-five percent (35%) pursuant to Iowa Code section 231C.14. If you do not wish to request a formal hearing or wish to withdraw your request for formal hearing, please send written

LUCAS STATE OFFICE BUILDING, 321 EAST 12TH STREET, DES MOINES, IOWA 50319-0083

ADMINISTRATION
(515) 281-5457
FAX: (515) 242-6863

ADMINISTRATIVE HEARINGS
(515) 281-4843
FAX: (515) 281-4477
Telephone Number for the Hearing Impaired: (515) 242-6515

HEALTH FACILITIES
(515) 281-4115
FAX: (515) 242-5022

INVESTIGATIONS
(515) 281-5714
FAX: (515) 242-6507

notice to the Certification Coordinator and remit the penalty assessed by check or money order in the amount of six hundred fifty dollars (\$650.00) within 30 business days after the receipt of this demand letter.

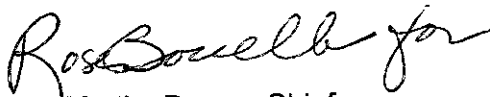
IV. Conclusion

The Program is being assessed a \$1,000.00 civil penalty. The Plan of Correction (POC) submitted on November 25, 2009, related to the on-site visit dated October 6 & 7, 2009, has been reviewed and is approved.

DIA may revisit the program to confirm compliance in fulfilling the POC's corrective measures. If the Program wishes to appeal or request a hearing on the final findings, the program may do so within 30 days of this letter.

If you have any questions in regard to this letter and report, please contact your Certification Coordinator, Chris Nothaft, at 515-281-4116.

Sincerely,

A handwritten signature in cursive script, appearing to read "Ann Martin", followed by a long horizontal flourish.

Ann Martin, Bureau Chief
Adult Services Bureau

Enclosure

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

Assisted Living Program:

Incident Intake: #25080-M

Patricia McNichol, Director
Bickford Cottage of Iowa City
3500 Lower West Branch Rd
Iowa City, IA 52245-4106

Date of Incident Investigation:

October 6 & 7, 2009

Monitor(s):

Stephanie Cummins, MA
Joyce Kix, RN

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. IAC r. 321-26.2(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 an Incident 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:

An on-site visit was conducted at Bickford Cottage on October 6 & 7, 2009. In preparing this report, the following information was considered:

Current Program Census:

General Population Program (GPP)* – Not applicable.

Dementia Specific Program (DSP)* – A program that is a Dementia Specific Program by definition but may have tenants without cognitive disorder.

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): 8

Current number of tenants without cognitive disorder: 26

Total Population: 34

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

Accreditation Status – Not applicable.

Program History – There were substantiated Regulatory Insufficiencies this certification period in the areas of: Evaluation of Tenants, Service Plans, Tenant Documents, Staffing, and Other (not reporting substantial injury within 24 hours).

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

A. Other – The provisions of this section address the program's noncompliance with other applicable statutory and administrative rule requirements.

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

Monitoring Observation: The program reported an allegation of theft of Tenants #1, #2 and #3's medications. The nurse was aware of the alleged theft on 8-23-09 and the Interim Director was aware of the alleged theft on 8-24-09. The theft allegation was not reported to the Department until 8-28-09. The Interim Director indicated she had issues with the on-line reporting system and access to her password on 8-27-09. The program did not report a suspected theft within the required time frame.

- Regulatory Insufficiency: The program did not report suspected dependent adult abuse to the Department within twenty-four hours. Iowa Code section 235E.2(3)(a) (2009).

Dated this 3rd day of December, 2009.