IOWA DEPARTMENT OF
INSPECTIONS & APPEALS

CHESTER J. CULVER
GOVERNOR

PATTY JUDGE
LT. GOVERNOR

DEAN A. LERNER, DIRECTOR

Complaint Intake: 28668-C

September 9, 2010

Ms. Jana Happe, Administrator
Gardens at Cherokee
1610 Hwy. 3
Cherokee, IA 51012

RE: Final Complaint Investigation Report – Gardens at Cherokee, Cherokee, IA

Dear Ms. Happe:

Enclosed is the **Final Complaint Investigation Report** from the on-site monitoring visit of August 24, 2010, completed by the Department of Inspections and Appeals ("DIA") in accordance with Iowa Code chapter 231C and Iowa Administrative Code ("IAC") chapters 481—67 and 481—69. **No Regulatory Insufficiencies were identified.**

If you have any questions regarding the enclosed Report, please contact me at 515/281-5721.

Sincerely,

Tamara Halvorson

Tamara Halvorson
ASB Lead Certification Coordinator
Adult Services Bureau

Enclosure

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

Assisted Living Program: **Complaint Intake #: 28668-C**

Ms. Jana Happe, Administrator
Gardens at Cherokee
1610 Hwy 3
Cherokee, IA 51012

Date of Investigation:

August 24, 2010

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. IAC r. 481-67.10(5). 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 481 IAC chapter 69 that: serves fewer than fifty-five (55) tenants and has five (5) or more tenants who have dementia between Stages 4 and 7 on the Global Deterioration Scale or serves 55 or more tenants and 10 percent or more of the tenants have dementia between Stages 4 and 7 on the Global Deterioration Scale or holds itself out as providing specialized care for persons with dementia, such as Alzheimer's disease, in a dedicated setting.

Overview:

A complaint investigation on-site visit was conducted at Gardens at Cherokee Assisted Living on August 24, 2010. In preparing this report, the following information was considered:

Current Program Census

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

Current number of tenants without cognitive disorder:	27
Current number of tenants with cognitive disorder:	4
Total Population:	31

Dementia Specific Program (DSP)* – Not applicable.

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

Program History – There were no Regulatory Insufficiencies found during this certification period.

On-Site Monitoring Evaluation – The monitor(s) made the observations detailed in the following areas.

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

A. Other

Complaint Allegation: It is alleged a staff person asked a tenant for money. The tenant recently gave the employee $500.00 to fix her car.

- Monitoring Observation: Tenant #1 passed away on 5-31-10. The tenant was an 81 year old, admitted on 1-18-10 and had diagnoses of: Hypertension, Diabetes Mellitus II, History of Cerebral Vascular Accident, Hypercholesteremia, History of Pacemaker, Acute Cellulitis and Edema. The tenant was staged at three on the Global Deterioration Scale which indicated mild cognitive decline. Staff #1 was hired on 6-27-08 as a food service aide until 5-26-10 when she resigned.

  Staff #1 stated she knew Tenant #1 but was not aware of anyone, including herself, of asking for or receiving money from the tenant. Staff #2 and #3 stated they were not aware of any staff taking money from tenants. Staff #4 stated to her knowledge Staff #1 did not ask or receive any "gifts" of any kind from Tenant #1. The manager stated she was not aware of any employees asking tenants, including Tenant #1, for money or receiving money from tenants. The Registered Nurse (RN) stated she had never heard of anyone taking or asking for money from Tenant #1.

  The tenant's family member stated he/she was the tenant's power of attorney and durable power of attorney and he/she had no knowledge of Staff #1 receiving any money from the tenant.

- Regulatory Insufficiency: None noted.

Dated this 8th day of September, 2010.