

TERRY E. BRANSTAD
GOVERNOR

RODNEY A. ROBERTS, DIRECTOR

KIM REYNOLDS
LT. GOVERNOR

July 22, 2011

Ms. Christy Hofsaess
Hawkeye Care Centers
6750 Westown Parkway, Suite 100
West Des Moines, IA 50266

RE: Stonebridge Suites of Milford, Iowa

Dear Ms. Hofsaess:

I am writing in response to your letter, dated July 5, 2011, requesting that the Department reconsider the amount of the civil penalty imposed following its June 20, 2011 investigation at Stonebridge Suites of Milford, Iowa ("Program"). The Department's Final Incident Investigation Report, issued July 6, 2011, noted a Regulatory Insufficiency for failure to report suspected dependent adult abuse to the Department within the time period prescribed by Iowa Code section 235E.2(2), (3) and 481 IAC 52.2(2). The Program was assessed a civil penalty of \$1,000.

The Program may appeal the Department's decision, including the imposition of a civil penalty, in accordance with IAC rule 481-67.13 within thirty (30) days after the mailing or service of the Final Report (July 7, 2011), by submitting a request for appeal to the Department. A contested case hearing will be held pursuant to Iowa Code chapter 17A and IAC chapter 481-10. The Program is within the thirty-day timeframe for appeal.

After consideration of your request, and in the interest of resolving this matter informally, the Department is reducing the amount of the civil penalty to \$500. This reduction of the civil penalty does not alter the timeframe for appeal or the timeframe to receive a 35-percent automatic reduction of the civil penalty pursuant to 481 IAC 67.12(3)(d).

The Program is being assessed a \$500 civil penalty pursuant to Iowa Code section 231C.11 and 481 IAC 67.12(3)(a). The Plan of Correction (POC) submitted on June 27, 2011, was reviewed and constitutes the final POC related to the on-site visit of June 20, 2011. DIA may revisit the Program to confirm compliance in fulfilling the POC's corrective measures.

If you have any questions regarding this letter, please contact Program Coordinator Jim Berkley, at 515/281-4116.

Sincerely,

Ann Martin

Ann Martin, Bureau Chief
Adult Services Bureau

Cc: Patty Youll, Director

INSPECTIONS & APPEALS

TERRY E. BRANSTAD
GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

RODNEY A. ROBERTS, DIRECTOR

DEMAND LETTER**CERTIFIED****Complaint Intake #: 34191-M**

July 7, 2011

Ms. Patty Youll, Director
Stonebridge of Milford
1401 H Avenue
Milford, IA 51351

RE: I. Final Incident Investigation Report
II. Civil Penalty
III. Appeals/Hearings
IV. Conclusion

Dear Ms. Youll:

I. Final Incident Investigation Report – Stonebridge of Milford, Milford, IA

Enclosed is the **Final Incident Investigation Report** 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. The Report notes Regulatory Insufficiency in the area(s) of: Program Reporting to the Department. **Stonebridge of Milford** (“Program”) is being assessed a \$1,000 civil penalty pursuant to Iowa Code section 231C.14 and 481 IAC 67.12(3)(a).

II. Civil Penalty

If, within 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 civil penalty, the assessed penalty will be reduced by thirty-five percent (35%) pursuant to IAC rule 481–67.12(3)d. If you do not wish to request a formal hearing or wish to withdraw your request for formal hearing, please send a cover letter to the attention of **Jim Berkley** and remit the civil penalty assessed by check or money order in the amount of six hundred fifty dollars (\$650) within 30 business days after the receipt of this demand letter.

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

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

ADMINISTRATIVE HEARINGS
(515) 281-6468
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

III. Appeals/Hearings

The Program may appeal the DIA decision in accordance with IAC rule 481—67.13 within thirty (30) days of this notice, by submitting a request for appeal to DIA. A contested case hearing will be held pursuant to Iowa Code chapter 17A and IAC chapter 481—10. If the Program appeals the DIA decision, the civil penalty will be suspended pending the appeal process. If the Program does not appeal, the civil penalty is due within 30 days of notice.

IV. Conclusion

The Program is being assessed a \$1,000 civil penalty pursuant to Iowa Code section 231C.11 and 481 IAC 67.12(3)(a). The Plan of Correction (POC) submitted on June 27, 2011, has been reviewed and will constitute the final POC related to the on-site visit of June 20, 2011.

DIA may revisit the Program to confirm compliance in fulfilling the POC's corrective measures. If the Program wishes to appeal 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 enclosed Report, please contact your Program Coordinator, Jim Berkley, at 515/281-4116.

Sincerely,

Ann Martin

Ann Martin, Bureau Chief
Adult Services Bureau

Enclosure

IOWA DEPARTMENT OF INSPECTIONS AND APPEALS
Assisted Living Program
Final Complaint/Incident Investigation Report

Assisted Living Program:

Complaint/Incident Intake #: 34191-M

Patty Youll, Director
Stonebridge of Milford
1401 H Ave
Milford, IA 51351

Date of Complaint/Incident Investigation:

June 20, 2011

Monitor(s):

Joyce Kix, RN

Definitions: *The following definitions are relevant:*

Assisted Living Program – A program certified under 481 IAC 69 that provides housing with contracted services to three or more tenants in a physical structure that provides a homelike environment. Services may include but are not limited to health-related care, personal care, and assistance with instrumental activities of daily living. A General Population Program is an Assisted Living Program that is not dementia-specific but may have tenants with cognitive disorder.

Dementia-Specific Assisted Living Program - An assisted living program certified under 481 IAC 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 (GDS), or serves 55 or more tenants and 10 percent or more of the tenants have dementia between Stages 4 and 7 on the GDS, or holds itself out as providing specialized care for persons with dementia, such as Alzheimer's disease, in a dedicated setting.

Regulatory Insufficiency - A violation of a statutory or rule provision within the Code of Iowa (2011) or the 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 statutory or rule violations. The plan should identify how and by what date each regulatory insufficiency will be corrected, and what measures will be taken to ensure the problem does not recur. The plan is due to DIA within ten (10) working days of the program's receipt of a Complaint/Incident Investigation Report. Depending on the circumstances, DIA may revisit the assisted living program to confirm progress in fulfilling a plan's corrective measures.

Overview: *In preparing this report, the following information was considered:*

Current Program Census

Assisted Living Programs are defined by the type of population served. The census numbers below were provided by the Program at the time of the on-site visit.

General Population Program	
Number of tenants without cognitive disorder:	24
Number of tenants with cognitive disorder:	0
Total Population of Program at time of on-site	24
TOTAL census of Assisted Living Program	24

Program History – There were no regulatory insufficiencies found during this certification period.

Complaint/Incident Investigation – The Complaint/Incident investigator made the observations detailed in the following areas:

A. Program Reporting to the Department

Complaint/Incident Allegation: The program reported a tenant was missing money and the perpetrator had been identified and her employment terminated.

- **Monitoring Observation:** The Program received a report from Tenant #1's (the Tenant) family on 5-9-11 regarding potential money missing from the Tenant's apartment. The administration placed marked money in the Tenant's room on 5-10-11 and discovered the money missing on the morning of 5-11-11. The police were involved and a perpetrator identified. The Program notified the Department on 5-20-11 which is outside the required 24 hour notification time-frame for notification to the department of potential abuse.
- **Regulatory Insufficiency:** A staff member or employee of a facility or program who, in the course of employment, examines, attends, counsels, or treats a dependent adult in a facility or program and reasonably believes the dependent adult has suffered abuse, shall report the suspected adult abuse to the department. If a staff member or employee is required to make a report pursuant to this section, the staff member or employee shall immediately notify the person in charge or the person's designated agent who shall then notify the department within twenty-four hours of such notification. If the person in charge is the alleged abuser, the staff member shall directly report the abuse to the department within twenty-four hours.
(IAC r. 235E, 2 and 3 a.)

Dated this 6th day of July 2011.