

TERRY E. BRANSTAD
GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

RODNEY A. ROBERTS, DIRECTOR

Complaint/Incident Intake #: 41989-C

January 24, 2013

Ms. Elaine Helgeson, Manager
Mills Harbour Assisted Living
311 South 10th Avenue East
Lake Mills, IA 50450

**RE: Final Complaint/Incident Investigation Report – Mills Harbour Assisted
Living, Lake Mills, IA**

Dear Ms. Helgeson:

Enclosed is the **Final Complaint/Incident Investigation Report** from the on-site monitoring visit of January 22, 2013, 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 515/281-7039 or **Rose.Boccella@dia.iowa.gov**

Sincerely,

Rose Boccella

Rose Boccella
Program Coordinator
Adult Services Bureau

Enclosure

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

Assisted Living Program:

Complaint/Incident Intake #: 41989-C

Elaine Helgeson
Mills Harbour Assisted Living
311 South 10th Avenue East
Lake Mills, IA 50450

Date of Complaint/Incident Investigation:

January 22, 2013

Monitor(s):

Lori Miner, RN BSN

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:	<u>23</u>
Number of tenants with cognitive disorder:	<u>2</u>
Total Population of Program at time of on-site	<u>25</u>
TOTAL census of Assisted Living Program	<u>25</u>

Program History – The program has not received any regulatory insufficiencies during this certification period.

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

A. Tenant Rights

Complaint/Incident Allegation: It was alleged tenant rights were not being considered after patio doors were locked last fall.

- **Monitoring Observation:** Maintenance and the Administrator were interviewed and detailed the following: Last August, 2012, the Program began upgrading patios. The lower level contained a walk-out patio and the upper two floors had a deck with a railing. All apartments had either a patio or deck. Railings on the decks were previously metal and painted. The several layers of paint were noted to be chipped, and were replaced with new non-metal, PVC railings. An outside construction company was used to replace the railings. Trim boards on the pillars, which extended to all three floors, were also to be replaced as they were showing wear. The project was expected to be completed by August 2012. The pillars extended to all three floors and provided the support to the decks. Trim boards were removed from one of the pillars and the wood underneath the trim was found to be cracked and have dry rot. The Program thought the pillars contained a central post to provide support, but what was found was stacked two-by-fours with dry rot. The pillars were determined to be load-bearing for all the patios and decks on the building. The side panel of one of the pillars was removed and the wood was rotted most of the way. The pillar was immediately shored up. The side panels were thought to be providing some support, so the Program planned to not remove any side panels until work could be completed, so as to not to further impede structural integrity. Once the dry rot was discovered, and the open pillar shored up, the corporate maintenance workers were called. Supplies such as posts and column covers were ordered. While working in the deck area, which had a rubber top decking, it was discovered the rubber covered wood sheeting which did not allow for water to run off the underside of the deck. It was also discovered flashing was not properly installed where the pillar met the deck, allowing for water to run into the pillar. Application

of the rubber decking required the use of a glue. The glue, per manufacturer's instruction, required temperatures to remain above 34 degrees for correct application of the glue. Reconstruction of the first set of pillars began in early October 2012 by corporate maintenance personnel. One set of pillars and deck was completed mid-November 2012. Temperatures dipped and progress was halted in 2012. The remaining 29 decks were scheduled for reconstruction beginning in the spring of 2013. Start and completion date will depend on the weather because of the required 34 degrees.

Once the Program determined a safety hazard existed, the Program locked all tenant access to patios and decks. Tenants were given the option to secure only the screen door so that the solid door could be opened to let in fresh air. When the first set of pillars was reconstructed, patio and deck access was resumed to the applicable apartments, November 2012. Both the Administrator and Manager stated tenants were informed personally before patio and deck doors were locked. The Administrator and Manager both stated patio and deck access was discussed at monthly tenant meetings in October, November, and December 2012. A tenant meeting was scheduled for the day of the onsite visit, and it was again on the agenda.

The Program provided documentation that apartments were rented based on the interior dimensions of the apartment. The space occupied by the patio or deck, while usable, was not calculated into the cost of the apartment. All apartments had either a patio or deck, depending on location within the building.

According to the Administrator and the Manager, the Fire Marshall made an onsite visit and determined the patios were not an emergency exit. An observation was made and all floors had two marked and lighted exits, none of which were patios or decks.

Tenants were informed that, at no charge, the Program would take care of any task which ordinarily would require access to the patio or deck. The Program offered to shake rugs, walk pets, fill bird feeders, or take care of outside plants.

Three lower level apartments with patios were empty. Five tenants of nine living on the lower level with patio access were interviewed. Two indicated there were no problems with the patio access; one of which had access restored after the reconstruction. Two tenants indicated the Program provided assistance with pet care and shaking rugs. One tenant stated access to bird feeders was no longer possible, but had not requested assistance.

The Program identified a potential safety hazard while doing routine maintenance on patios and decks. Immediately the Program limited tenants' access to patios and decks. When it was safe, tenants in six apartments were allowed to resume use of patios and decks. Progress was halted in November 2012 when temperatures dipped below 34 degrees, as per the glue manufacturer's instructions. Reconstruction of 29 decks is scheduled to begin Spring 2013 when temperatures warm. Rent was not determined based on patio or deck space, and all apartments have either a patio or deck. Egress in an emergency was maintained. The Program was providing services to the tenants who temporarily have no access to the outdoors through a patio.

- Regulatory Insufficiency: None noted.