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GOVERNOR

KIM REYNOLDS
LT. GOVERNOR

RODNEY A. ROBERTS, DIRECTOR

Complaint/Incident Intake #: 44810-C

September 16, 2013

Ms. Felicia Owens, Administrator
Rose of East Des Moines
1331 Idaho Street
Des Moines, IA 50316

RE: Amended Final Complaint/Incident Investigation Report, Rose of East Des Moines, Des Moines, Iowa

Dear Ms. Owens:

Enclosed is the **Amended Final Complaint/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.

DIA has reviewed the Plan of Correction (POC) submitted in response to the **Preliminary Complaint/Incident Investigation Report**. Based upon a complete review of the Report and the Program's proposed actions to correct the identified Regulatory Insufficiency, DIA accepts the POC.

If you have any questions in regard to 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

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

Assisted Living Program:

Felicia Owens, Administrator
The Rose of East Des Moines
1331 Idaho St.
Des Moines, IA 50316

Complaint/Incident Intake #:

44810-C

Date of Complaint/Incident Investigation:

August 26, 2013

Monitor(s):

Maribeth Freland 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:	64
Number of tenants with cognitive disorder:	0
Total Population of Program at time of on-site	64
TOTAL census of Assisted Living Program	
	64

Program History – The program received regulatory insufficiencies in the areas of Evaluation and Service Plan during the recertification visit of August 20, 2012.

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

Structural Requirements

Complaint/Incident Allegation: It was alleged a program tenant was unable to sleep well at night due to an alleged infestation of mice in his/her apartment.

- **Monitoring Observation:** During tour of the program, the monitor observed no covert evidence of mice droppings or insect infestation in the hallways of the building and other common areas of the building. The monitor did observe six metal catch and release mouse traps located in a maintenance garage attached to the program's building. The maintenance garage had direct access into the first floor hallway of the program where tenant apartments shared the same hallway. The maintenance garage housed a large dumpster used for tenant garbage disposal and lawn care equipment. One of the metal traps had mouse droppings adhered to the sticky pad inside the trap and one of the metal traps housed a dead mouse carcass.

The monitor noted the overhead garage door bottom seal did not extend the entire length of the door, leaving a space of an approximate one to two inches at each end of the door. The monitor could easily see light from the outside through both sides of the door seal. Inside the maintenance garage, the monitor observed two large holes in the drywall at the baseboard area on the interior wall of the garage. (The current maintenance personnel indicated a plan to place steel wool in the two holes in the wall and look into a new overhead door seal.)

The program produced documents from the pest control company that serviced the program. The documents indicated the pest control company placed multiple metal catch and release mouse traps in the maintenance garage on 10-16-12. On 10-25-12 the pest control company returned due to continued rodent issues. The documents indicated the pest control company was contacted by the program on 11-1-12, citing

mice were found in Tenant #1's first floor apartment. The company placed four sticky board mouse traps in Tenant #1's apartment.

The documents indicated the program called the pest control company to return to the program on 11-15-12 due to a sighting of a mouse running around the common dining room area. The program contacted the pest control company again on 12-6-12, citing mice were found in Tenant #2's first floor apartment and another first floor apartment. The company brought traps to the program and placed in Tenant #1's apartment. The company was called back to the program on 12-12-12 to place traps due to a report of mice in a new first floor apartment. The company returned to the program to empty dead mice from the traps in the maintenance garage and all three first floor apartments on 12-27-12.

At an unidentified time, sticky mouse traps were placed in Tenant #3's first floor apartment due to a report of mice sightings. On 3-8-13 the pest control company returned to check all rodent control traps in the garage and tenant apartments. The company removed 15 dead mice from the building. The pest control company returned to the program to check the traps in Tenant #3's apartment but was unable as Tenant #3 was not home. On 3-12-13, the pest control company returned to place five new sticky traps in Tenant #3's apartment. On 5-9-13 the pest control company returned to check all rodent traps placed around the building. The company was called back to the program on 7-23-13 due to a report of a mouse sighted again in Tenant #3's apartment. The company returned on 8-14-13 to check all rodent traps throughout the building.

During interview, Staff #1, Dietary Manager, reported in January and February 2013 mice droppings were found in the kitchen cupboards so traps were set by the pest control company. The Dietary Manager was unsure if any mice were actually caught but eventually the traps were removed and he had seen no droppings since that time.

During interview, Staff #2, the program's previous maintenance personnel, reported he began working at the program mid April 2013. Staff #2 reported significant mice problems in the maintenance garage during the months of April, May, June and July 2013. Staff #2 ceased employment with the program on 7-26-13. Staff #2 reported five to six traps were set at all times in the garage during his employment and were often emptied by himself or the pest control company. Staff #2 reported emptying a number of mice from the traps set in the maintenance garage during his four month employment. Staff #2 reported finding approximately one dozen mice at one time in one trap. Staff #2 reported sticky traps had been placed in Tenant #3's apartment during his employment and he reported personally removing two mice from the sticky traps in Tenant #3's apartment at the end of June or early July 2013. Staff #2 reported changing the overhead door seals in an attempt to curb entry of the mice into the maintenance garage during his employment and had noted tenants had access to the garage to dump their garbage and would often leave the doors open. At sometime during his employment, the program began locking the doors to the garage and had all tenants seek Administration to let them into the garage when needed. Staff #2 did not see much change in the number of mice caught after the changes were made. Staff #2 felt the program continued to have a significant problem with rodent control when he ceased employment in July 2013.

During interview, Staff #3, the program's previous Administrator, reported he left employment with the program on 7-22-13. Staff #3 reported the program had rodent issues in late winter/early spring. Staff #3 indicated the largest rodent issues occurred in the attached maintenance garage. Multiple tenants had told him they heard mice in the walls and the pest control company was notified of this issue. The pest control company reportedly indicated there was no way the mice could get into the building walls. Staff #3 reported multiple traps were placed throughout the garage in an attempt to catch the rodents as a control method.

Tenant #1, a cognitively intact tenant, was admitted to the program on 10/29/08 and currently resided in a first floor apartment. The monitor toured Tenant #1's apartment, noting no mouse droppings in the kitchen cupboards. Tenant #1's apartment had two metal catch and release rodent traps placed in the apartment. During interview, Tenant #1 reported he/she had seen mice in the apartment since the fall of 2012. Tenant #1 reported he/she used to have a sticky rodent trap placed between the counter and the refrigerator but two weeks prior to the monitoring visit a mouse was found in the trap and was removed by the program's previous housekeeper. The sticky trap was never replaced. Tenant #1 indicated he/she often heard mice in the walls of the kitchen area of the apartment. Tenant #1 denied ever seeing mice droppings in the kitchen but several mice had been caught in the traps set by the pest control company.

During interview, Staff #3, the previous Administrator, reported he had removed two mice from Tenant #1's apartment but was unable to remember when he removed the mice.

Tenant #2, a cognitively intact tenant, was admitted to the program on 5-21-12, initially lived in a first floor apartment and later moved to a second floor apartment. During interview, Tenant #2 reported he/she did have mice in the first floor apartment in December 2012 or January 2013. Tenant #2 reported two mice were caught in traps placed by the pest control company and he/she never saw any further mice prior to the move from the apartment.

During interview, Staff #3, the previous Administrator, verified Tenant #2 did have rodent traps placed in the first floor apartment and reported he had removed one mouse from Tenant #2's apartment in late winter 2012/early spring 2013.

Tenant #3, a cognitively intact tenant, was admitted to the program on 6-17-09 and currently lived in a first floor apartment. The monitor toured Tenant #3's apartment, noting no mouse droppings in the kitchen cupboards. Tenant #3's apartment had multiple sticky traps placed in it but the monitor found no mice currently in the traps. During interview, Tenant #3 reported he/she had seen mice in the apartment for about six months. Tenant #3 reported notifying the program administration twice about the mouse sightings. Tenant #3 reported seeing mice run on top of the refrigerator and under the coffee tables and loveseat. Tenant #3 reported the last time a mouse was caught was about one month ago. Tenant #3 expressed an inability to sleep well at night due to his/her fear of the mice.

During interview, Staff #3, the previous Administrator, reported he had knowledge of at least one mouse caught in traps in Tenant #3's apartment in July 2013.

During interview, Staff #4, registered nurse/case manager, reported in July 2013, Tenant #3 used his/her pendant expressing a wish for staff members to assist him/her as a mouse was running around in the apartment living area. Staff #4 responded, finding Tenant #3 fearful and reporting the mouse went under the coffee table. Staff #4 lifted the coffee table and a mouse ran out from under the table. Staff #4 contacted Staff #3, the previous Administrator, to report the incident and left a note for the maintenance man to address the mice issue. (Tenant #3's clinical record contained documentation, dated 7-22-13, noting the above stated incident.)

Tenant #4, a cognitively intact tenant, reported he/she had never seen mice in his/her third floor apartment but had seen a mouse running around on the front porch of the building the previous weekend while sitting out in the evening.

During interview, the Executive Director of the Rose Buildings reported she had not been made aware of the extent of the rodent problem within the building. The Director contacted the pest control company while in the presence of the monitor. The pest control company indicated use of traps had been the sole way of attempting to curb the mice infestation. The Director immediately requested an inspection to determine potential access points by which the mice were entering the building.

The program had been experiencing a rodent infestation since October 2012. The program initially called in the pest control company and limited tenant access to the maintenance garage but tenants continued to be affected by rodents within the building. The program trapped at least 15 mice in March 2013 and caught a number of mice between April and July 2013. The monitor identified potential access points within the maintenance garage that had not been identified by the program prior to the monitoring visit. Three tenants were affected by having multiple mice inhabiting individual apartments and one tenant expressed fear and an inability to sleep due to the mouse infestation.

- Regulatory Insufficiency: The buildings and grounds shall be well-maintained, clean, safe and sanitary. (IAC r. 481-69.35(1)(b))