Iowa Department of Inspections and Appeals
Health Facilities Division
Citation

Citation Number: **#10047**			**Date:** **October 3, 2023**
Facility Name: ChildServe Habilitation center		**Survey Dates:** September 11, 2023 – September 14, 2023	
Facility Address/City/State/Zip 5900 Pioneer Parkway Johnston, IA 50131	**CP**		

Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date
58.43(9)	**481—58.43(135C) Resident abuse prohibited**. Each resident shall receive kind and considerate care at all times and shall be free from mental, physical, sexual, and verbal abuse, exploitation, neglect, and physical injury. Each resident shall be free from chemical and physical restraints except as follows: when authorized in writing by a physician for a specified period of time; when necessary in an emergency to protect the resident from injury to the resident or to others, in which case restraints may be authorized by designated professional personnel who promptly report the action taken to the physician; and in the case of an intellectually disabled individual when ordered in writing by a physician and authorized by a designated qualified intellectual disabilities professional for use during behavior modification sessions. Mechanical supports used in normative situations to achieve proper body position and balance shall not be considered to be a restraint. (II) **58.43(9)** Allegations of dependent adult abuse. Allegations of dependent adult abuse shall be reported and investigated pursuant to Iowa Code chapter 235E and 481—Chapter 52. (I, II, III).	**CLASSII**	**$500.00**	**UPON RECEIPT**

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Facility Administrator Date

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	DESCRIPTION: Based on record review, staff interviews, and policy review the facility failed to report alleged physical and verbal abuse without bodily injury for 1 of 1 resident (Resident #52) within 24 hours of the incident to the state agency. The facility reported a census of 61 residents. Findings include: Record review of an undated document titled, Care Investigation Summary informed the following Summary of Event(s): a. Child (Resident #52) from Long Term Care (LTC) unit was receiving routine care on 4/23/2023 when she removed her heat and moisture exchanger from her tracheostomy. Staff A, a travel Respiratory Therapist (RT) allegedly slapped the child's hands and yelled at her. Event was witnessed by several staff. b. Resident #52 did not sustain any physical injury, but she appeared visibly upset following the event. She received a dose of Tylenol. c. The event was reported to the agency on 4/26/23. Staff reported the event to their supervisor, but it was not immediate, per policy. Once the supervisor was			

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	notified of the event, she promptly shared information with the Licensed Nursing Home Administrator (LNHA) and the alleged Respiratory Therapist was removed from the facility and her contract was immediately terminated. d. Response by staff in reporting incident did not meet policy requirements. Staff need to be encouraged to immediately share with supervisor when they witness an interaction with a resident that doesn't seem right. There was some reluctance to report this event right away because the alleged perpetrator was having a stressful day and the unit was stressed overall that day. During an interview on 9/13/23 at 9:58 AM Staff B, Certified Nurse Aid (CNA) described her observation she had of Resident #52 and Staff A's interaction on 4/23/23 as follows; Resident #52 was in sun room sitting on the floor and she pulled at her medical device on her neck, I was washing my hands at the sink, and Staff A pulled Resident #52 hand away, and she said something like, stop doing that, this is the fourth (4th) time I had to put a new one on you today, in a not nice tone. She then informed Resident #52 got up and walked off, and she looked sad, and she knew she had been yelled at. I felt it was inappropriate because Resident #52 is really grabby and she does that a lot, for the RT to be			

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	annoyed with it, was pointless. I think Staff A prevented Resident #52 from doing a normal behavior, and she should not be punished for that, in that sense I do feel like it was abusive. Once the facility was made aware they terminated Staff A and when I talked to my Supervisor I was instructed I should have said something right then when it happened, and not waited. I was with Resident #52 the rest of the day, and she seemed ok the rest of the day, just sad at the time of the incident. After this incident the facility did a meeting and we all reviewed the same policy, and staff were directed to even if you think you see something, to call management because we are all mandatory reporters. She then informed Staff A continued to work with Resident #52 the rest of the shift and the next day. During an interview on 9/14/23 at 10:41 AM with the Director of Nursing (DON) stated that she absolutely expected staff to report the alleged abuse that occurred on 4/23/23 within less than 24 hours. On 09/14/23 at 11:21 AM the facilities LNHA reported the 4/23/23 alleged abuse event should have of been reported to the state agency, no later then 24 hours from the time of event.			

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	Record review of the facilities policy titled Resident Abuse Prevention, Identification, Investigation, and Reporting in Nursing Facilities last revised 6/22/23 directed staff as follows: D. Reporting Abuse a. All allegations of resident abuse, neglect, exploitation, mistreatment, injuries of unknown origin, and misappropriation should be reported immediately to the staff ' s supervisor. The supervisor is responsible for immediately reporting the allegations of abuse to the Administrator, or designated representative. b. All allegations of resident neglect, exploitation, mistreatment, injuries of unknown origin, and misappropriation shall be reported to the Iowa Department of Inspections and Appeals, not later than two (2) hours after the allegation is made, if the events that cause the allegation result in serious bodily injury, or not later than twenty-four (24) hours if the events that cause the allegation involve neglect, exploitation, mistreatment, injuries of unknown origin and misappropriation, but do not result in serious bodily injury. c. If there is a reasonable suspicion that the allegation of abuse also constitutes a crime committed against the resident by any person, whether or not the alleged perpetrator is employed by the facility, the Elder Justice Act requires the matter must also be			

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	reported to law enforcement. While the federal regulations require all abuse allegations be reported to DIA within 2 hours, the Elder Justice Act has a different time frame for reporting to the police/sheriff. i. If the allegation of abuse (that results from a crime) results in serious bodily injury to a resident, a report must be made to law enforcement not later than two (2) hours after the allegation is made. ii. If the allegation of abuse does not result in serious bodily injury, a report must be made to law enforcement not later than twenty-four (24) hours. **FACILITY RESPONSE:**			

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