

**Iowa Department of Inspections and Appeals
Health Facilities Division
Citation**

Citation Number: 8019		Date: 3/2/20		
Facility Name: Bethany Lutheran Home		Survey Dates: 2/10/20 – 2/17/20		
Facility Address/City/State/Zip Seven Elliott St Council Bluffs, IA 51503				
Rule or Code Section	Nature of Violation	Class	Fine Amount	Correction date

58.11 (135C)	481—58.11(135C) Personnel. 58.11(3) <i>Employee criminal record checks, child abuse checks and dependent adult abuse checks and employment of individuals who have committed a crime or have a founded abuse.</i> The facility shall comply with the requirements found in Iowa Code section 135C.33 as amended by 2013 Iowa Acts, Senate File 347, and rule 481—50.9(135C) related to completion of criminal record checks, child abuse checks, and dependent adult abuse checks and to employment of individuals who have committed a crime or have a founded abuse. (I, II, III) [ARC 0903C, IAB 8/7/13, effective 9/11/13]	II	\$500	Upon Receipt
50.9(3)c	481—50.9(135C) Criminal, dependent adult abuse, and child abuse record checks. 50.9(3) <i>Requirements for employer prior to employing an individual.</i> Prior to employment of a person in a facility, the facility shall request that the department of public safety perform a criminal history check and the department of human services perform child and dependent adult abuse record checks of the person in this state. <i>c. If a person being considered for employment has been convicted of a crime.</i> If a person being considered for employment in a facility has been convicted of a crime under a law of any state, the department of public safety shall notify the facility that			

Facility Administrator

Date

If, within thirty (30) days of the receipt of the citation, you (1) do not request a formal hearing or; (2) withdraw your request for formal hearing, and (3) pay the penalty; the assessed penalty will be reduced by thirty-five percent (35%) pursuant to Iowa Code section 135C.43A (2013).

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	upon the request of the facility the department of human services will perform an evaluation to determine whether the crime warrants prohibition of the person's employment in the facility. (I, II, III) DESCRIPTION: Based on employee file review, staff interview and policy review, the facility failed to obtain a record check evaluation from the Department of Human Services regarding a perspective employee's criminal conviction prior to hire, for 1 of 5 employee files reviewed (Staff I). The facility reported a census of 107 residents. Findings included: Staff I's employee file revealed a hire date of 10/14/19. Staff I's employee file on 2/11/20, revealed a Single Contact License & Background Check (SING) form dated 10/3/19. The form revealed further research required into the staff members criminal history. Further review of the file revealed no request to the Iowa Department of Human Services (DHS) for review of the employee's criminal history and approval to work in the facility. Review of Staff I's Time Card Report forms recorded her first clock in time as 10/14/19 and her last clock in time as 2/6/20.			
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	During interview on 2/13/20 at 7:55 A.M., the facility Executive Director and Chief Financial Officer explained the Human Resource Coordinator at the time of Staff I's hire no longer works in the facility and they are unable to locate any paperwork with regard to obtaining approval from DHS for Staff I to work in the facility. She stated they have submitted the paper work for a DHS evaluation and the facility notified Staff I she can no longer work until she is cleared through DHS. Review of a facility Abuse, Neglect, Mistreatment and Misappropriation of Resident Property policy, with a review date of 2/11/19, included direction for staff to screen employees prior to working with residents and included a criminal background check. FACILITY RESPONSE:			
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